S. Hrg 98-1240

DRUG TRAFFIC INTERDICTION IN THE SOUTHWEST

HEARING

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

SPECIAL HEARING

Printed for the use of the Committee on Appropriations

U.S. GOVERNMENT PRINTING OFFICE
42-381 O WASHINGTON : 1985

S181-29

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CONTENTS

Page

Senator Dennis DeConcini, statement of 2

Senator Pete Domenici, statement of 3

Prepared statement 4

Paul Bardacke, attorney general, State of New Mexico, statement of 5

Maj. Neil Kern, assistant commander, Criminal Intelligence Bureau, New Mexico State police, statement of 5

Ron Axtell, chief of police, Las Cruces, NM, statement of 13

Sgt. Pete Hampton, special agent in charge for metro narcotics, statement of 13

William L. Lutz, U.S. attorney, district of New Mexico, statement of 18

Prepared statement 32

Peter K. Nunez, U.S. attorney, southern district of California, statement of 18

Prepared statement 36

Lt. Gen. R. Dean Tice, Director, Department of Defense task force on drug enforcement, statement of 39

Prepared statement 40

Capt. L.N. Schowengerdt, director, National Narcotics Border Interdiction System staff, statement of 39

Prepared statement 48

John J. O'Neill, Jr., special agent in charge, Denver field division, Drug Enforcement Administration, Department of Justice, statement of 64

Prepared statement 65

Willian von Raab, Commissioner, U.S. Customs Service, Department of the Treasury, statement of 74

Prepared statement 76

Tim Milhouse, director of Customs air wing, Tucson, AZ, statement of 74

Manny Najera, Southwest district director, El Paso, TX, U.S. Customs Service, Department of the Treasury, statement of 74

Jim Wait, Southwest district director, Nogales, AZ, U.S. Customs Service, Department of the Treasury, statement of 74

DRUG TRAFFIC INTERDICTION IN THE SOUTHWEST

WEDNESDAY, SEPTEMBER 5, 1984

U.S. SENATE,
SUBCOMMITTEE ON TREASURY, POSTAL SERVICE
AND GENERAL GOVERNMENT,
COMMITTEE ON APPROPRIATIONS,
Las Cruces, NM.

The subcommittee met at 9:30 a.m., in the councilmen's room, Las Cruces City Hall, Las Cruces, NM, Hon. James Abdnor (chairman) presiding.

Present: Senators Abdnor, Domenici, and DeConcini.

NONDEPARTMENTAL WITNESSES

OPENING REMARKS

Senator ABDNOR. The subcommittee will come to order. I know we are commencing a little early, but we are on a tight schedule and the sooner we start, the more time we'll have for the purpose we're here. So with that, we'll go right into our session.

Before I begin, though, I do want to thank the people of Las Cruces for their hospitality. This hearing today is going to concentrate on the drug threat that faces this Nation, and specifically in the Southwest border area. There is a lot of concern here about what's happening in the movement of drugs, and Senator Domenici has brought this to our attention many times, so that's why we're here today.

This is just another of the ongoing hearings the subcommittee has held around the country in our effort to get a handle on the drug problem facing the Nation, and I'm happy that Senator DeConcini, who has been a strong fighter in this drug movement—he is the ranking member of this subcommittee—could be with us. I know that he has a great interest in New Mexico as well, because it borders on Arizona. He is not only a very important member, but he is extremely active, as I said, in the Senate drug task forces and the Southwest border caucus, both of which have taken an active role in pushing for an antidrug effort.

I want to give a special thanks to Senator Domenici for participating with us on this hearing. While he's really not a member of this subcommittee, he is a member of the Appropriations Committee and is a member of the full committee and takes an active interest in this of course. And even more so, he has been such a tremendous help to both Senator DeConcini and I through his chairmanship of the budget. We have to rely on Senator Domenici to make available extra funds that we think are necessary over and beyond the call of what some other people may think in Government, and it's nice to have the support of the chairman of the Budget Committee.

And as I noted today, we're going to hear from Federal, State, and local agencies which are participating in the drug interdiction effort. All of these agencies play an integral part in the effort. I want to stress that they cannot succeed on their own, they must work together. In the past there has been instances of turf protection, but I think we've overcome most of those problems at the Federal level and certain steps have been taken to coordinate this effort at all levels. And it's most important that we, at the Federal end, work and cooperate with local and State officials.

Now, before we go into our witness list, I'm going to call on a member of the committee that we rely on so heavily, Senator DeConcini.

STATEMENT OF SENATOR D'CONCINI

Senator DeConcini. Chairman Abdnor, Chairman Domenici, as chairman of the Budget Committee, let me thank you for bringing us to Las Cruces. To the people of Las Cruces let me echo what the chairman said about the hospitality. We welcome the opportunity to be here. Both Arizona and New Mexico share a common problem that plagues our States and those of our Texas and California neighbors, and I'm talking, of course, about the flow of drugs across the borders by land and air.

I hope these hearings will help to identify the problem. As Senator Abdnor pointed out, these are ongoing hearings that we have held in California and Arizona and Florida and many other places. I'm especially pleased that Senator Pete Domenici is here with us today, because as a member and chairman of the Budget Committee, he has an awesome task of attempting to reduce the deficit and yet to maintain the priorities of the Drug Enforcement Program, a difficult task but one that indeed he has supported. It's a delight to be here.

Another reason why I'm so happy to be here in this beautiful State besides sitting beside my good friend Pete Domenici, more times than I care to mention the newspapers have flattered me by putting my picture in the paper and Senator Domenici's name underneath it. Because our names sound the same, often I'm given the title of being the chairman of the Budget Committee, which impresses my constituents immensely, and makes me feel like my career in the U.S. Senate has grown by leaps and bounds.

Now that we are here at the same podium together with nameplates that don't lie and faces that look both very handsome, but different, I will have to resign myself to just being the junior Senator from Arizona. So Chairman Abdnor, thank you for taking the time to hold these hearings here. I'm looking forward to the testimony and I'm pleased to be here with Senator Domenici.

Senator ABDNOR. Thank you, Senator DeConcini. Now we'll hear from our host who invited us down here and hear Senator Domenici.

STATEMENT OF SENATOR DOMENICI

Senator DOMENICI. Thank you very much, Mr. Chairman, I first want to welcome Senator DeConcini's wife, Susie. She's in the back of the room, and we're delighted to have her join us in our State. It's always a privilege to be with you. I'm sorry Nancy isn't here. She left a couple of days ago after spending a week with our new granddaughter in Albuquerque doing all the usual chores, and she's back with part of the rest of the mob of Domenici's.

If you weren't here, I was going to say something about your husband and myself in terms of the confusion of our pictures, but—well, I think I'll say it anyway. You all can look very carefully to see Dennis DeConcini is getting baldheaded. We ought not to confuse his picture with Domenici.

Mr. Chairman, I don't think I have to say this, but I do thank you for coming here with this subcommittee. My thanks is also extended to my good friend from Arizona, Senator DeConcini, who as a former district attorney has genuinely been a leader in the U.S. Senate in the areas that we will be addressing. I'm most appreciative that you would take time this year to come and be with us.

We all know that the question of illicit drugs is a gigantic problem. We sometimes phrase it in terms of dollars. That's inadequate. nonetheless; it's a big, big number. One hundred billion dollars is frequently thrown around as the size that it might be quickly approaching. The only thing with which we can compare this is the size of the deficit. That's a gigantic number. As part of an underground economy, from an economic perspective, it has a tremendous adverse impact.

But obviously, we're not here because of that. We're here because of the impact that illicit drugs have on the lives of our citizens, in particular our youth. The percentage of drug related crimes in the Nation is absolutely preposterous. We've got to get it under control. Illicit drugs are a threat to our children, and as we all know, are distributed even on the physical premises of our schools.

The use of drugs in this country affects businesses, employees, and ultimately, productivity. We're trying to stop the flow of drugs, but a lot more has to be done. We do, nonetheless, and I say this very openly and publicly—have two Senators who serve on the Appropriation Committee that allocates money for major programs. My colleagues are to be complimented because basically they have fought for more money when many in Government wanted less. They have fought for more law enforcement funding when many wanted less, and for more agents when many wanted fewer, and I commend them publicly for their efforts.

We're all aware that the Southwest border provides a rather easy and simple access for drug smugglers. Our sparsely populated border with Mexico makes it fairly easy for one to cross into this country. Not many years ago illicit drug traffic was prolific. A strong interdiction effort by Federal, State, and local agencies on both sides of the border was successful in shutting down some of the smuggling. That effort certainly should be praised.

Emphasis on interdiction in recent years has shifted to other parts of the country. The south Florida task force, under the direction of Vice President Bush, who has a representative here today—and we are glad you're here—has gotten a lot of attention and done an excellent job. There's no doubt that the problem in Florida has required this attention and it's been effective. Now we're feeling the impact here in New Mexico, as are other States in the South.

With the pressure on in Florida, illicit traffickers move elsewhere in search of easier access routes. We on this border are concerned that it might move dramatically in our direction. That point of entry shifts as they find a way to get away with it. The Southwest, as I indicated before, provides innumerable areas as alternatives to Florida for this illegal trafficking. I fear that as we succeed in one part of the country, it will move to another.

A few years ago, Senator DeConcini and I advocated coordinating all of the assets and resources, including the military, to monitor the entire border with equal vigilance, in order to actually eliminate and not simply reroute illegal drug trafficking. To some extent we succeeded. We're very proud of the use of aircraft and interception activities that weren't utilized just 3 or 4 years ago. I'd like to say publicly a great deal of that is attributed to the task force that was put together in the Senate, which Dennis DeConcini chaired. When we came into the majority, I assumed the chairmanship, and he cochaired with me. We'll continue our efforts.

PREPARED STATEMENT

I too want to thank all the witnesses that have come from long distances. We will try to make this as relevant to the subcommittee as possible. And once again, Mr. Chairman, thank you very much for coming to New Mexico.

Senator ABDNOR. We will insert your statement in the record before we go on to the other witnesses.

[The statement follows:]

STATEMENT OF SENATOR PETE V. DOMENICI

Thank you, Mr. Chairman.

I want to offer my sincere thanks to you and Senator DeConcini for bringing the subcommittee to New Mexico to look at the problems facing our State. There is no question that illicit drug activities in this country and State present an extremely serious problem. Illegal drugs in this country are a $100 billion business. That is $100 billion—comparable to our deficit. This underground economy is profound in itself. However, we are most concerned about the crime that is spawned by this activity.

Illegal drug activities are the root of an incredible percentage of the crimes committed in this Nation and our State of New Mexico.

Drugs are a threat to our children as drug availability in our schools is prevalent throughout the Nation. Use of drugs in this country affects business and employee productivity. We are trying to stop the flow of drugs but more must be done.

Mr. Chairman, I do want to note for the record that your subcommittee with the able assistance of my good friend from Arizona, Senator DeConcini, has been a leader in the drug battle. I fear the battle has escalated into more than expected. Despite all that has been accomplished, it would appear we are losing.

As we are all aware, the Southwest border provides rather easy access for drug smugglers. The sparsely populated border with Mexico makes it fairly easy to cross into this country at nearly every adjunct. Not many years ago that traffic was prolific. A strong interdiction effort by Federal, State, and local agencies on both sides of the border was successful in shutting down illicit smuggling. That effort should certainly be praised. Emphasis on interdiction in recent years has, however, shifted to other parts of the country. The south Florida task force under the direction of Vice President Bush has garnered a lot of attention and the lion's share of the resources. There is no doubt that the problem in Florida has required this attention. It has been very effective. We are seeing the impact here in New Mexico. Illegal activities are once again on the increase. As a cochairman of the Senate border caucus, I am concerned with the constant shift of the point of entry of the illicit drugs. When we stop Florida traffic, it shifts to the Southwest. When we transfer our efforts to the Southwest, this illicit traffic swings back to the Southeast. We must establish a coast-to-coast barrier.

Mr. Chairman, as I said, the Southwest provides innumerable areas conducive to transport of illegal narcotics. I fear that success in other parts of the Nation have an adverse impact on the State of New Mexico. I look forward to today's testimony which will give us an idea of the current situation, projected activity and steps that can be taken to help in winning this way on illegal narcotics.

Mr. Chairman, I want to thank you for bringing the subcommittee to New Mexico so that our citizens can focus on this dilemma.

STATEMENT OF PAUL BARDACKE, ATTORNEY GENERAL, STATE OF NEW MEXICO

ACCOMPANIED BY MAJ. NEIL KERN, ASSISTANT COMMANDER, CRIMINAL INTELLIGENCE BUREAU, NEW MEXICO STATE POLICE

Senator ABDNOR. Thank you. It's a pleasure to be here. We have a very knowledgeable and impressive group of witnesses today and I'm anxious to get started. We already have our New Mexico attorney general, Mr. Bardacke, here with us, and I know you have a gentleman with you you may want to introduce. May I just say that your entire witness statement will be made a part of the record, and if you care to summarize or say anything else, feel free to do so.

Mr. BARDACKE. Thank you very much, Mr. Chairman and members of the committee. I'm honored to be here. I've been asked by this subcommittee to discuss the effects of narcotics trafficking in New Mexico, particularly as it relates to smuggling and interdiction. I appreciate this opportunity to present observations from agencies of State government.

With me this morning is Maj. Neil Kern, who is the assistant commander of the criminal intelligence bureau of the New Mexico State police. His major concern has been with the State police for 19 years and has 13 years of experience in the narcotics division. He is presently the president of the National Drug Enforcement Association, and he is also the supervisor of all aspects of narcotics enforcement by the New Mexico State police.

Now, any analysis of the drug problem in New Mexico is necessarily based on one's vantage point. Viewed from Washington, where Federal policy to fight illegal drug trafficking is made, New Mexico's problems must seem relatively small. For example, in October 1982, President Reagan established 12 organized crime drug enforcement task forces in addition to the task force that was already operating in south Florida.

New Mexico's task force district includes Arizona and California south of Los Angeles. According to its annual report issued in March 1984, eight drug task force agents are assigned to New Mexico. This includes one assistant U.S. attorney, three FBI agents, three DEA agents, and one IRS agent. No agents from Customs or the Federal Marshal's Service are assigned to the New Mexico task force.

Now, New Mexico's task force allocation of 8 personnel out of 1,199 puts its very close to the bottom of the list in personnel resource allocation. And from this perspective, then—and I talked about seeing it from different vantage points—from this perspective, New Mexico's organized illicit drug problem might be thought to be very small indeed.

However, an assessment of the New Mexico situation that might be made from smugglers operating from Latin America or South America might be very different. Because of our 187 mile long, sparsely populated international border and because of the radar cover effected by the mountains on either side of the Animas Valley, which are south of Lordsburg, and because of logistical problems in Customs' concentration of pursuit resources that are concentrated in El Paso, Tucson, San Antonio, as opposed to Albuquerque, if you're considering the situation from the standpoint of smugglers who operate out of Latin America and South America, New Mexico might be considered a prime flyway for air smugglers.

Now, in addition because of the problems of surveillance and interdiction of ground border crossings, reports are now reaching us that the frequency of ground smuggling of heroin across the Mexican border into New Mexico is increasing. And from the perspective of the domestic shippers operating from the south Florida area, New Mexico used to be merely a stretch of east-west interstate that could be breezed through in vehicles carrying substantial shipments of cocaine and heroin destined for the west coast.

But since the highly successful interdiction operation planned and executed by the New Mexico State police, large quantities of such cocaine and heroin shipments have been seized in New Mexico, and I'll discuss that a bit more in a few moments.

Now, from the perspective of New Mexico State officials and the citizens of the State, we do have a real drug problem here. And the extent of it is unknown and probably unmeasurable. Our Governor has made the fight against illegal drug sales a top priority of his administration, and State law enforcement agencies, particularly the New Mexico State police, have responded and we believe have produced significant results.

In 1983 the State police seized a total of 744 pounds of cocaine in this State. Most of that amount was seized in a series of checkpoint stops on Interstate 40, and as I mentioned earlier, was destined for west coast delivery from suppliers in south Florida. In one notable case last year, the State police convoyed and intercepted shipment to its destination in California, and then, working with Federal agencies, engineered a Florida raid that resulted in the seizure of 679 pounds of cocaine.

This year, in another planned interdiction effort, the State police seized 92 pounds of pure heroin being shipped to the west coast. In 1983 the New Mexico State police seized 27,891 pounds of marijuana. Now, the street value of all the illicit drugs seized by the New Mexico State police in 1983 and the first half of 1984 is estimated to be approximately $425 million. That is a staggering amount of money. And when you consider there are only 41 commissioned officers in the New Mexico State police division, by using simple arithmetic, you can see that an average of over $10 million in illicit drugs seized in New Mexico in this past 18 months is attributable to each State narcotics officer.

And during the same period of time, the State police made 1,048 narcotics arrests, 259 for cocaine, 59 for heroin, 599 for marijuana, and 134 for other illicit drugs.

As a further indication of the narcotics problem that we perceive in New Mexico, it is estimated that either direct narcotics offenses or the use of drugs in the commission of other felonies were involved in the cases of about half of the prisoners incarcerated in New Mexico prisons in 1983.

Now, so far I've discussed the narcotics problem from the standpoint of Federal officials in Washington, smugglers in Mexico and Latin America and then State officials in New Mexico. But there is another perspective that is important as background to the inquiry of this subcommittee, and that is the perspective of the victims of drug-related crimes and the victims, I might add, of drugs themselves. The fact that so many New Mexico State prisoners are incarcerated either because of drug felonies or other felonies in which drugs were a factor indicates some of the costs to the State as a result of illegal drug dealing.

The users of illegal drugs are victims, too. Lives and families have been destroyed, work efficiency deteriorates. One law enforcement agency estimates that there are now 4,000 heroin users in Albuquerque. Now, that data isn't verifiable and it may have been exaggerated. But even if it is off by 100 percent, that is, even if there are just 2,000 heroin users in Albuquerque, the resultant damage is extremely serious.

For example, if the 2,000 users spend even $50 per day on heroin, in other words, $100,000 per day for only 2,000 users, not the estimated 4,000 users, that's $36 million a year being spent in Albuquerque on heroin in 1 year. Now, we know that substantial amounts of money are spent on illegal drugs in New Mexico and we know that substantial amounts of legally obtained money passes through New Mexico without the payment of Federal or State taxes. And it is fundamental that drug-financed criminal enterprises can and do have a devastating effect on honest businesses that are unable to compete with enterprises that have available to them large amounts of untaxed cash.

Now, in New Mexico the Federal organized crime drug enforcement task force has yet to bring a single Rico prosecution, but this is a fact that we hope to be changed in the very near future.

To summarize our evaluation of New Mexico drug problems, as State officials we have entirely a different perspective than do Federal policymakers. And although the data concerning illicit drug trafficking in New Mexico is small in comparison to south Florida or New York or Los Angeles, nevertheless, such trafficking impacts substantially on New Mexico. It's more than is acceptable and more than can be wiped out by State law enforcement, no matter how well they're operating.

We think that New Mexico is worth protecting from the ravages of the drug trade, and to protect it adequately we do need increased Federal resources. And we know that is difficult at a time when we have such Federal budget deficits. We agree with many of the conclusions and recommendations made recently by the attorney general of California in his report from his commission on narcotics.

One, we think that most of the illegal cocaine and heroin purchased, consumed, and shipped through New Mexico is the result of foreign production and illegal importation. Two, we think that it is the primary responsibility of the Federal Government to reduce the production and the subsequent importation of illegal drugs from foreign sources.

Increased level of Federal enforcement activities in New Mexico needs to be instituted. Eight of the 1,199 agents and attorneys on the Federal task force being assigned to New Mexico is clearly not enough. We think that the U.S. military resources have been insufficiently committed to the interdiction efforts in New Mexico. And we think that the following measures would be helpful, not only to New Mexico, but because of our location to possible importers and smugglers of illegal drugs, we think it would be important to the United States as well.

First, the imposition of stronger diplomatic sanctions against those countries involved in the illegal production of narcotics. Two, a substantial expansion of the role of military forces in air interdiction. In this sense, dangers from drug production can be viewed in the same light as the direct military threat against the national security of the United States. Three, a substantial expansion and coordination of the efforts currently being undertaken by DEA, the U.S. Customs Service, the FBI, and the organized crime drug enforcement task force in New Mexico.

A specific recommendation that we have for the U.S. Customs Service operation in New Mexico to be implemented immediately—and let me explain that. Although the Albuquerque Customs force monitors radar, air interception support for interdiction efforts must be summoned from San Antonio, El Paso, or Tucson. A Customs air support group stationed in Albuquerque, and by that I mean a group that is equipped with adequate high-tech'd aircraft and personnel, would be an enormous benefit to this State.

In other words, if we didn't have to rely on interception support from San Antonio or El Paso or Tucson but could rely on good equipment and adequate personnel in Albuquerque, we'd sure be better off. With such an operation air smugglers could be met as they enter New Mexico rather than chased after they're already in New Mexico. Ground support would be provided, as it is occasionally now, by the DEA and the State police.

Another specific recommendation concerns that anticipated ground smuggling across the Mexican border into New Mexico. It is our recommendation and hope that Customs officials do not wait until this kind of smuggling produces verifiable numbers before responding with the personnel and resources thought necessary to control it. We hope that the Federal Government will agree with us that New Mexico is worth protecting from a worsening situation and not wait until our numbers compare in the severity to more afflicted areas of the country.

Our law enforcement agencies here in the State are eager to receive increased Federal help in their battle against drug trafficking, and because of its proximity to the sources of drug smuggling, help to New Mexico is help to the rest of our Nation.

Thank you very much for giving me the opportunity to appear and present the views of New Mexico.

Senator ABDNOR. Thank you, Mr. Bardacke. We certainly want you to know we think New Mexico is worth protecting and that's exactly why Senator Domenici has us down here. Senator DeConcini and I have had a number of hearings and we will be doing more. And sometimes, as you mentioned, the budget deficit makes it tough, but we personally feel that this is one area that we've just got to be practical and do what you have to do.

Major Kern, it sounds like you've had many years of experience. You've seen this come and go. What's the picture look like to you right now?

Major KERN. Actually, I believe, as was pointed out, that much of the emphasis that we placed in Florida has caused the traffickers to change their routes of travel, their method of operation. Unfortunately, we in law enforcement advertise our product many times. We put the beat officer on the street to try to discourage burglaries, assaults. We tried working with the Federal Government on the AWACS situation. We advertise what we're doing. The traffickers know that. So they change their route of travel.

We worked for the past year on the so-called cocaine corridor. We advertised that, not to our liking, but it was played up considerably, and consequently we have intelligence now that the traffickers are taking different routes around New Mexico through other States. The same syndrome we've had back years ago, say 1975, 1976, when we had a lot of interdiction out of New Mexico on heroin and marijuana coming through Arizona, through Arizona, through New Mexico back to the east coast.

Basically it's the same situation. We concentrated on the problem in New Mexico. It shifted. We've concentrated on the problem in Florida and it's beginning to shift. I think each law enforcement agency throughout the country will indicate that the shift is now into the Southwest and the remote areas of the Southwest. Their landing strips are trafficking through the Big Bend area up through New Mexico and to the east and also the west coast. It's being diverted both directions as intelligence indicates.

Senator ABDNOR. Having seen all this in the past, if you could do what you wanted to do, what would you do? What would you call for?

Major KERN. I think that the biggest support that we can have right now—and I really feel that we have real good working relationships with DEA, U.S. Customs, and I agree that we have restrictions placed on us by finances, manpower, and equipment. One of the biggest things that would help New Mexico today is to increase the support group at Albuquerque with the proper equipment, proper manpower.

We've had cases where we've actually detected a target coming in from the south into New Mexico. We're flying at night without the proper equipment. We know the trafficker's on the ground. We lose him. We got enough evidence to indicate they offloaded the contraband and departed to unknown destinations. And it's primarily frustrating because of the fact that we don't have the proper equipment to work with.

I'm not saying that U.S. Customs hasn't supported us, because they have, but they have restriction on manpower and equipment and, of course, in the past couple of years most of this equipment has been allocated to the operation in Florida and it's really hurt us. Our manpower in New Mexico spends half the time in Florida.

Senator ABDNOR. You're probably right. I'm sure that's true and that's something that we're aware of.

Major KERN. Because of priorities, and we have to admit that.

Senator ABDNOR. I think we're learning from all of this and that's important. Listen, I don't want to monopolize the time. We are limited on that. Senator DeConcini.

Senator DECONCINI. Mr. Chairman, I'll be brief. Attorney General Bardacke, let me just ask you: You made reference to the Federal crime task force, and when that was put together I tried unsuccessfully to see that if Arizona, at least, could have its own task force. I suspect New Mexico could justify one, too.

Just on a scale—and I'm not looking to criticize the task force. I know some of the good cases they've made. But on a scale, is that the area that we ought to concentrate on or should we put more emphasis on what you and Major Kern have underscored, the need to upgrade Customs' ability, to have the resources right here with your local State people? Which one? Or maybe they're both equally important.

Do you want to comment?

Mr. BARDACKE. Senator, I think they are both very important. And of course, you're faced with the burden of financing both operations, and to take one away and emphasize the other you would be losing something, there is no doubt in my mind about that. I think they're both effective. The crime task force is in its early stages. I think the productive nature of it will be learned about in the future. It's already been productive in some areas.

But our immediate need here is to recognize that the tremendous effort that's been in place in south Florida now for some time has changed the patterns of drug smuggling and that New Mexico is a prime target. And rather than focus most of the high-tech equipment of Customs in San Antonio, El Paso, or Tucson, we could sure use a little bit in Albuquerque as well. Because we can spot them coming in, but if we don't have the interception equipment here locally, we're always in a situation of having to chase them. And as you know, drug smugglers are generally flying late at night at times when——

Senator DECONCINI. You have to have equipment to do that.

Mr. BARDACKE. Be willing to take the risk of their aircraft, because it's the nature of a break-even loss.

Senator DECONCINI. Let me ask you one more question as attorney general. What is the structure, if any, first of the coordination among the State police and the local law enforcement on drugs, and then is there any structure or organization between your State group and the Federal agencies that are involved?

Major KERN. Primarily being a State agency, we have the responsibility to attempt to coordinate all our activities concerning the enforcement of the Controlled Substance Act with local, other State agencies and Federal.

Senator DECONCINI. How do you do that? Do you meet with them or do you have a task force that perhaps shares information? We have in the past had several task forces.

Major KERN. We meet with them on a daily basis. We try to have that free flow of information. Now, I'm not going to mislead you. We have had our problems, yes, with the Federal. We've had our problems with other State agencies. We've had our problems with other local agencies. But what our philosophy is is try to sit down and discuss the problems that we do have and try to work them out to the best interests of all concerned. And I would suppose if we use that terminology, yes, there is some interagency jealousy. We try to overcome that by communicating on a daily basis.

Senator DECONCINI. What is the structure you have, say, with Customs and DEA? Do you have a governing body? Do you meet weekly or do you share intelligence or just exactly how does it work?

Major KERN. Basically we share intelligence on a need-to-know basis, depending on the caliber of the trafficker that we're targeting.

Senator DECONCINI. If you had your druthers, would you like to see coordinated effort where your agencies, Customs and DEA, were equal partners in a border effort to stop the flow of drugs?

Major KERN. I think that would be most advantageous.

Senator DeConcini. Do you think that is a doable thing with your experience of 20 some years in law enforcement?

Major Kern. In the past, DEA, U.S. Customs has its so-called white paper, which has been very restrictive as far as coordinating efforts and this type thing. I personally feel that if we're law enforcement officials that have jurisdiction on a statewide basis, it should be equal with Customs and DEA. The white paper has caused some problems in the past, considerable problems.

Senator DeConcini. Thank you. I want to compliment you and certainly Attorney General Bardacke for the outstanding job that you're doing here. You certainly have distinguished yourself outside the borders of New Mexico in your law enforcement effort. Thank you.

Senator Abdnor. Thank you, Senator DeConcini. I might add that he was asking something that we have a problem that exists in a number of places where we have held hearings. If you ever have any good ideas and thoughts on it, this committee would certainly be willing to hear it.

Senator Domenici. Let me also congratulate the State of New Mexico for their efforts. The State police have done a magnificent job, and I take this opportunity to publicly applaud them.

Major Kern. Thank you.

Senator Domenici. Mr. Attorney General, with reference to the task force and the allocation, you have basically made the case that we've been trying to make regularly. This kind of task force, attempts to allocate between a State like California, where the numbers of already existent, known trafficking are tremendous, and Arizona, where traffickers are much more numerous than New Mexico's because of two important points, but still significantly smaller than California, and, then, finally, New Mexico, where less information is known. To concentrate, say, in one State or one area like the Florida project, is paramount to plugging another hole in the dike.

Ultimately, it seems to me that the problem is that Customs, the task force, and INS are understaffed and underresourced. When the heads of those agencies testify later in the day, we'll talk about it. Everybody ought to know that in spite of some significant appropriations additions, Customs has been under a freeze until just recently. Five hundred additional people have been authorized and are starting to be put on, is my understanding, at this point.

We've tried very hard to argue with OMB that you can't have new task forces, new approaches, and less people or people freezes. It just won't work. We will continue to push very hard for the allocation of resources in advance of the problem, in anticipation of the problem, which I think your testimony suggests in a nutshell. You are not saying there isn't more traffic in California and a much, much bigger known problem. You're merely saying we've got one, too, and there are some things we know are going to happen, which we can get in ahead of them, if I understand you correctly. And we're sure going to continue to do that.

I think it's helpful to know that the State itself is doing this kind of work. It makes our position much stronger when we have to tell the committees that we need more. They're always wondering what States are doing and whether they are competent and are coordinating efforts.

This is my last question—going back for 4 or 5 years, is the coordination better now?

Major KERN. I think it's much, much better. We have a much better line of communications with all agencies.

Senator DOMENICI. When we first started, by my recollection, Senator DeConcini, aside from resources and the like, one of the biggest problems was an almost total lack of coordination.

Senator DECONCINI. No coordination or cooperation, yes.

Senator DOMENICI. At our first series of hearings, everybody was going different directions. As a matter of fact, we had just the basic notion of talking together, much less cooperating to the point of even exchanging communication. We think that's improved. Would you agree with that?

Major KERN. That's correct.

Senator DECONCINI. Would the Senator yield?

Senator DOMENICI. Be pleased to.

Senator DECONCINI. Have you found any connection between problems with the Freedom of Information Act and any prohibition of sharing of intelligence agencies? Has that arisen?

Major KERN. No, sir.

Senator DECONCINI. You've not been given that as a reason why they cannot share or a reason why you don't want to share certain intelligence with Federal agents?

Major KERN. No, sir.

Senator DECONCINI. That hasn't come up?

Major KERN. Having the experience I do, you can tell them the opposite, and I can go higher up, if you want.

Senator DECONCINI. Thank you.

Senator ABDNOR. Thank you, gentlemen. We appreciate your participation today. It's been a big help today.

STATEMENT OF RON AXTELL, CHIEF OF POLICE, LAS CRUCES, NM

ACCOMPANIED BY SGT. PETE HAMPTON, SPECIAL AGENT IN CHARGE FOR METRO NARCOTICS

Senator ABDNOR. We will move on to the next witness, Ron Axtell, the chief of police of the city. We welcome you gentlemen. You can see we are very interested in how the program has operated from your viewpoint and we welcome you to the committee hearing. And as I said before, you can commit your written statement and it will be in the record in its entirety. You may care to summarize or proceed in any way you want to.

Mr. AXTELL. Thank you very much, Mr. Chairman, and Senator Domenici. Before I get started, I'd like to welcome you to Las Cruces. I think I'm the only representative from the city of Las Cruces in the room in this position and I hope you enjoy the city as much as we enjoy it.

The city of Las Cruces and the county of Dona Ana recognize that we had a drug trafficking problem in the early 1970's. At that point we started a joint investigative agency utilizing personnel from the county sheriff's office and from the Las Cruces Police Department with funding from LEAA. At the present time the Las Cruces/Dona Ana County metro narcotics squad is funded totally by the city of Las Cruces, the county of Dona Ana, with a little money coming from New Mexico State University.

For the fiscal year 1984–85, metro is budgeted for six salaried officers and two clerical personnel, and one State police agent. The agency's jurisdiction is Dona Ana County, NM, an area of approximately 3,800 square miles. Approximately 50 of those miles are United States-Mexican border. Most of the 3,800 square miles is sparsely populated farm and ranchland. Because of the small number of agents and the large area of jurisdiction, it has become necessary for metro to work cooperatively with not only the local departments in Dona Ana County, but also the New Mexico State police as well as Federal law enforcement agencies in the surrounding area.

There has been a sharp increase in the amount of substance seizures within Dona Ana County since metro's inception. Intelligence gathered has indicated that there is a parallel between the amount of substances available and the amount of stolen property suffered throughout the Dona Ana County area. Many of those who commit larceny-type crimes will normally trade the property for controlled substances.

The increase in the amount of controlled substances seized has caused an increase in the number of burglaries and larcenies in the area. As a result, the Las Cruces Police Department has utilized personnel from its criminal investigation division in an undercover capacity to try to control the problem. Large quantities of weapons, including machine guns and explosive devices, have been recovered during these operations. Cocaine and heroin sold within the Dona Ana County area for the most part originates from El Paso, TX, with some heroin being carried across the border in small amounts by vehicle and body carriers for distribution in this area.

A small portion of cocaine is transported from California to this area. Marijuana distributed from local persons normally originates from organizations within Dona Ana County who either smuggle the marijuana from Mexico or from other parts of New Mexico and Texas. There has been an increase in the amount of domestic grown marijuana in Dona Ana County. In 1981 there was a greenhouse discovered in Anthony, NM, which is within Dona Ana County, and there was 6,800 pounds of marijuana seized. The greenhouse was a very sophisticated operation designed for commercial cultivation of marijuana.

Within the first half of 1984 there has been a 125-percent increase in the amount of heroin seized by metro narcotics. Extremely high increases have been recorded in the amount of cocaine and marijuana seized compared to the same period for 1983. In 1983 there was a small amount of white heroin seized. This was the first white heroin seized in the State of New Mexico for approximately 10 years.

Indications are that, as the Drug Enforcement Administration projected, white heroin will be on the increase throughout the country. There has also been an indication of an increase in availability of both heroin and cocaine by lowering the street price.

Within Dona Ana County, there are approximately 20 clandestine airstrips which are being used for air smuggling. There is also an undetermined amount of both developed and undeveloped roadways which have been used in the landing of aircraft. There are three airports in Dona Ana County. None of these are manned 24 hours a day.

Intelligence has gathered information on several groups of individuals who utilize Las Cruces and the Dona Ana County area as a home base for smuggling operations. Indications are these groups are utilizing electronic equipment for monitoring law enforcement radio communications and using that information to gather and to plan their operations. A substance smuggled by these groups normally does not remain in Dona Ana County, but is rather transported to States such as Kansas, Oklahoma, Colorado, and Illinois. This information indicates that the groups are utilizing different means of transportation, those being aircraft, land vehicles, body carriers, and even in some cases horses and mules in desolate areas of the southern county.

Intelligence has also indicated Dona Ana County having stash houses, or safe houses, where large quantities of substances are stored for distribution in other areas. In 1984 the State police seized approximately 1,300 pounds of marijuana from a group of individuals in northern Dona Ana County and southern Sierra County. There has been a large increase in the amount of cocaine and marijuana being intercepted on Interstate 10, which indicates a substantial movement from east to west.

It's very evident by all my previous comments that we are at a critical junction in the problem before us. The city of Las Cruces and the county of Dona Ana are unable to effectively interdict this problem without substantial financial interest by the Federal Government. The problem is not only a local one but a widespread national one that must be faced by all Government entities if we ever hope to reach a reasonable solution to the problem.

I have with me Sgt. Pete Hampton. He is the special agent in charge for metro narcotics, and we'll be glad to field any questions you have of us.

Senator ABDNOR. Thank you. This problem, the traffic coming in from Mexico, that is definitely on the increase?

Mr. HAMPTON. Yes, sir; that's correct. From intelligence we've been getting, the body carriers, and also mule carriers, horse carriers, has been increasing throughout the years.

Senator ABDNOR. Do you have any kind of working relations with New Mexico? How do you fit into this picture? Do you have to go to Customs?

Mr. HAMPTON. We have to go to Customs or DEA, on many cases State police will help us.

Senator ABDNOR. But I'm sure Senator DeConcini will want to know about the relationship of your working, and I won't steal his question.

Senator DECONCINI. We know each other so well on this subject matter, go ahead.

Senator ABDNOR. How is the working relationship? This is a concern and we're finding out problems in all areas of the country. It's getting better. How do you see it?

Mr. AXTELL. At first, when metro was first formed, it was difficult because of the petty jealousies and different problems and procedures of the departments involved. However, I guess in about 1973 or 1974 there was a concerted effort to make it work. And since that time, it's gotten progressively better. We have so few agents in this area that we have to cooperate with each other. And it's done pretty much on a daily basis.

Senator DECONCINI. Will you yield?

Senator ABDNOR. Yes.

Senator DECONCINI. What is the structure?

Mr. AXTELL. Would you like to know the strucutre of metro narcotics itself?

Senator DECONCINI. What's the structure of metro and the State police as far as narcotics goes?

Mr. HAMPTON. With metro and the State police, they have a State police officer assigned to metro.

Senator DECONCINI. You do?

Mr. HAMPTON. Yes, sir.

Senator DECONCINI. You have a sharing of strategy and also intelligence?

Mr. HAMPTON. Yes, sir; we do.

Senator DECONCINI. What's the structure between you and Customs and DEA?

Mr. HAMPTON. With DEA, we have a good working relationship with the El Paso Office of Customs.

Senator DECONCINI. Do you have a Customs or DEA agent assigned to metro?

Mr. HAMPTON. No, sir; we have not.

Senator DECONCINI. Have you made such a request?

Mr. HAMPTON. No; we have not.

Senator DECONCINI. Would you like one if they have one?

Mr. HAMPTON. You bet.

Senator DECONCINI. So the more you can bring in the better. But I just wonder how far along you've gotten. Over in Tucson they once had Customs and DEA agents assigned, as well as BIA and FBI agents assigned, to the metro, or the unified narcotic effort over there, and I wondered how far you'd come along. You're moving along pretty well.

How often do you have contacts with the Federal agencies, on a case-by-case basis, or do you review the strategy and what you're expecting to come across?

Mr. HAMPTON. Depending on what the case is we're working or the person we're targeting, we work very closely with DEA in this area. We have a three-man office in Las Cruces. The RAC, or the resident agent in charge, of DEA and I have a good working relationship together. If the individual we are targeting meets DEA qualifications or procedures, we will work with real closely with DEA on that case. We brief each other many times daily depending on what the case needs at the time.

Now, Customs is out of El Paso, so it's difficult for us to meet with Customs as we should. We do have a good work relationship with some of the Customs patrol people.

Senator DECONCINI. Do you have a problem, if you want to do your case yourself? Do you have a problem, Chief, in getting the censuring devices or the undercover agents from another jurisdiction to come in? Is that a problem that you have or can you——

Mr. AXTELL. Those are problems that we face but they are not insurmountable. We are able to do it.

Senator DECONCINI. You've been able to satisfy those needs?

Mr. AXTELL. Yes, sir.

Senator DECONCINI. Thank you, Mr. Chairman.

Senator DOMENICI. Chief, looking at Las Cruces with the growing problem you've described, and taking a look at the next 2 or 3 years, from our Federal standpoint, what would you recommend as the most important thing that we could do to be of assistance?

Now, I understand, Chief, I'm not asking for sociological discussion. We don't know how to control drug use. But I'm talking about in terms of law enforcement.

Mr. AXTELL. From our standpoint, I believe that if we could keep the drugs from ever entering into New Mexico in the first place, it would be of great benefit to us.

Senator DOMENICI. If we could keep them out of the State, that would be your goal?

Mr. AXTELL. That would help.

Senator DOMENICI. But, of course, we can't write such a statute. What we are asking you is what one or two specific things you would recommend as a local chief of police that's not being done or that you've thought of that we ought to do or you've read about that you might want to try? Do you have a couple?

Mr. AXTELL. Our agents, metro, since LEAA dropped out of the picture as far as Federal funding, has been funded by the city and the county. And I feel that there hasn't been a lot of effort or a lot of funds put into local government since that time. I don't believe that those funds at that time were used all that well. I would like to see it tried again with different approaches.

Senator DOMENICI. If we were going to look at another local law enforcement assistance bill, you would respond favorably so long as it was not another LEAA, but one that was more directly helpful to you in your efforts. Do I read you right?

Mr. AXTELL. Yes, sir; you do.

Senator DOMENICI. Thank you very much.

Senator ABDNOR. Thank you, and we thank you very much for your participation today. It's been a great help to us. Thank you.

STATEMENTS OF:

WILLIAM L. LUTZ, U.S. ATTORNEY, DISTRICT OF NEW MEXICO

PETER K. NUNEZ, U.S. ATTORNEY, SOUTHERN DISTRICT OF CALIFORNIA

Senator ABDNOR. Our next witnesses are the U.S. district attorneys from New Mexico and southern California, Mr. William Lutz of New Mexico and Pete Nunez of southern California. If you gentlemen would come forward, we would appreciate it very much.

We appreciate this opportunity to hear of the drug problem from your perspective, and certainly our U.S. district attorneys must be dealing with this all the time. Would you care to go first, Mr. Lutz.

Mr. LUTZ. Thank you, Mr. Chairman.

Mr. Chairman, Senator DeConcini and Senator Domenici, I appreciate the opportunity to appear before you to discuss the drug interdiction problems in the State of New Mexico. I think frankly, some of the things that I will be saying probably are somewhat repetitive of what some of the earlier speakers have said, because I think in many ways we perceive the problems to be somewhat similar.

Part of the problems that we face from the importation of drugs in New Mexico is affected first by the geography of the State and second by the resources available to us to combat this problem. As I'm sure you are aware, New Mexico is the fifth largest State, containing 121,600 square miles. The eastern third of the State is a flat, arid grazing area which is ideal to land large aircraft. The north central part of the State is very mountainous.

Southwestern New Mexico, which begins here at Las Cruces, is an arid desert area containing broad, flat valleys interspersed with mountain ranges. These mountain ranges generally run north and south into Mexico, creating ideal corridors for aircraft to fly low into New Mexico. Since the mountains shield the valleys, normal radar detection in this area has not been feasible up until recent additions of additional equipment.

At the present time there are less than 35 full-time Federal law enforcement officers assigned to drug cases. When one looks at the number specifically working on interdiction cases, the numbers fall even further. At the present time in New Mexico we have an authorized strength per Customs air officers of six persons. It's my understanding there are presently five persons assigned and a sixth will be added very shortly.

We have recently, through requests, received the assignment of a Customs agent, and I understand after the beginning of the fiscal year a new Customs agent will come. At least one of those agents will devote a substantial part of his time to the drug task force. This is frankly something that we have been requesting that we are pleased that it has come.

The first thing that I would like to emphasize, that it's absolutely essential in interdiction efforts that Federal law enforcement cooperate with the New Mexico State police, county sheriffs and local, municipal narcotics units. Just simply based on the numbers, we cannot do the job by ourselves. There are just too few agents in New Mexico with the area that they have to cover.

I think we've been fortunate that the New Mexico State police and the local law enforcement agencies have been extremely cooperative in providing this support and interdiction. I think in the past there has been a feeling that cooperation with Federal law enforcement tended to be a one-way street. Part of this image has been created by statutes, regulations, and agency policies which prevented working with State and local agencies as equal partners.

I think one of the important things that the Department of Justice has attempted to accomplish in the last several years is to remedy some of these problems. I think progress has been made, but I think there is substantial room for improvement.

One area that has been alluded to—and this is somewhat outside my prepared speech—there are a number of task forces that exist in New Mexico that are primarily financed by State and local government. There's the task force referred to by Chief Axtell, there is a task force between the State police and the Albuquerque Police Department operating in Albuquerque. The task force in Albuquerque in the recent past has had a DEA agent that was assigned full-time.

As a result of a recent inspection, the then agent in charge was somewhat criticized for this placement of an agent. I think these kind of policies create bad feelings, and honestly, I see no reason for them and I think it's contrary to the current policy of the Department of Justice, and it's something that I have been very vocal with them about, that they need to have flexibility in working with local law enforcement and they need to treat local law enforcement as equal partners.

Senator DOMENICI. I want to make sure what you said, Mr. Lutz. You're saying that that Albuquerque State unit was criticized because——

Mr. LUTZ. No; the DEA was criticized.

Senator DOMENICI. Because they had a person on it?

Mr. LUTZ. Because they had a person full-time. And it was what I think they referred to in Washington as an ad hoc task force. I think that's the term they used.

Senator DECONCINI. Your point is that that ought to be encouraged instead of——

Mr. LUTZ. That type of thing, because basically, these organizations that I've referred to do good work. They do high-quality work. They have good people assigned to them.

Senator DECONCINI. May I pursue that just a minute?

Senator DOMENICI. Sure.

Senator DECONCINI. It's an interesting situation that you raise. Just from the standpoint of being a Federal prosecutor that you are, why do you think there is that reluctance on the Federal law enforcement agencies, or criticism, wherever it may come from? Is it a matter of losing personnel or what do you think?

Mr. LUTZ. I'm not honestly sure. My background is a civil trial lawyer before I was U.S. attorney, so I do not, obviously, have a background in law enforcement that some of the other witnesses have. I think some of it is tradition and some of it regulation and some of it you get middle management in the bureaucracy and it's been done that way before and it's going to keep being done that way. I think it's changing and I think it's changing for the better.

Senator DECONCINI. That's good to hear.

Mr. LUTZ. And I think when you talk to the individual agents, whether it's State or Federal or local, on the individual case, they work well together. There's not the problems. It's kind of when we start getting policies and things like that mixed up that we run into the problems, like white papers and that kind of stuff. Individually if you sat down and said, "Have you had a problem on this case?" I don't think you have that, sir.

Senator DECONCINI. It's been my experience every time you get into that subject matter, the agents in charge or the Justice Department or head of Customs or what have you will tell you how much they cooperate. And then when you talk to some of the local law enforcement, you get the real story, that they cooperate if there is a personal relationship between the Federal agencies and the other ones.

Of course, if you can get into what has happened here where you get a DEA agent actually assigned to the metro unit, then obviously you're going to have almost a forced relationship, which you have. I'm glad to hear they're doing that.

Mr. LUTZ. One of the things I have questioned, each of us were to prepare district law enforcement plans and one of the things that I requested is the Federal Bureau of Investigation assign an agent to that. That has not been implemented because of problems that arose with the DEA.

Senator DECONCINI. Thank you.

Senator DOMENICI. Mr. Chairman, I might suggest that our other U.S. attorney answer some of those questions now, if he has a response. He's experienced at it and I think it would save time.

Senator ABDNOR. Yes.

Senator DOMENICI. Do you mind, Senator DeConcini, just having him answer your questions as you put them?

Senator DECONCINI. Not at all.

Mr. NUNEZ. Thank you, Senator. I don't know what the cause of an institutional reluctance is and I don't know whether it's national or local or what, how it breaks down. But I know it can work and the reason I know it can work is that since 1973 in southern California, as an example, there have been 11 Federal, State, and local agencies that have had a task force, officially designated as a task force, that has worked marvelously. It includes the San Diego Police Department, the San Diego County sheriff, DEA——

Senator DECONCINI. What's that called?

Mr. NUNEZ. It's called the San Diego County integrated narcotics task force, and as I said, it's existed and succeeded for almost 11 years now. I don't know why it can work in one area and not work in another area, but it can work. I think that proves that it can work if everybody wants it to work.

Senator DECONCINI. Is that still working?

Mr. NUNEZ. It works fine and it has not been affected one way or another by the changes that have come since then. For instance, the drug task force, the President's drug task force, they target different parts of the problem. They work in conjunction with each other. Since DEA and the Federal agencies participate in both task forces, there is a coordination that doesn't disrupt either operation. So it can work. It does work.

Senator DECONCINI. And there is a prosecutor on the Federal level assigned to it?

Mr. NUNEZ. There are both Federal and State prosecutors that work with the narcotics task force. The district attorney of San Diego County and our office have a relationship. We have decided which cases to take to State court, which cases to take to Federal court. The agents know that. They know where to go to get a search warrant, which side of the street. They know where their case is going to end up and it works fine. So these are not insurmountable problems.

I think in Arizona for years you had a similar operation.

Senator DECONCINI. We did.

Mr. NUNEZ. And it worked very well, too.

Senator DECONCINI. I agree with you that it can happen. It's always so frustrating when you don't see those successes translated into more of a national policy and insistence that it happen, and maybe it's just a matter of time and dedicated leadership that we're going to make it happen. It's encouraging that the one in San Diego is still operating. They've had a little breakdown in Arizona.

Mr. LUTZ. And I want to say that, you know, I think that DEA's working with that task force did much to improve their image, and it has been successful and there is still good feeling. But there is some problem with local law enforcement feeling that there is some drawback about that.

Other examples, I think, of the problems that arise, and I realize probably the Senate is the wrong point to mention this. New Mexico being a poor State, when we have joint cases, many times it becomes a matter of items have been seized by the Federal Government to be forfeited. Particularly vehicles, such as four-wheel-drive vehicles, are matters which are very valuable to our sheriffs.

We had a case last year where we seized a substantial load of marijuana, 23,000 pounds, that came in on a DC–6. As a result of that, several four-wheel-drive vehicles were seized. Part of the forfeit statues say that property goes to the DEA to be disposed of. The sheriff very much wanted to share some of the property that was seized in that, and had it not been for his particular county, Torrance County, we simply would not have made the arrest and seizures. It's very frustrating to them, the fact that we can't turn over those things. And I think in all fairness, they did a lot of work. They ought to be entitled to that.

Senator DECONCINI. Are you familiar with the forfeiture statutes that we just passed recently but have not come out of the final conference committee?

Mr. LUTZ. Yes, sir; I'm generally familiar with it.

Senator DECONCINI. The Crime Act which was passed 2 years ago had a forfeiture provision, which was vetoed, and now we're trying to get it through the House the second time. Would that help you?

Mr. LUTZ. Yes, sir; I think it would. The other—you know, I think the first and foremost in combating interdiction with the personnel we have available is obviously the local cooperation. I think the second area that the committee must be aware of is that Federal law enforcement must remain flexible. I think one of the problems that we got into in the 1970's when there was the big effort along the Mexican border, we did not react fast enough to the drug smuggling move to south Florida. And I think there's a danger that that may occur as the drug smugglers come back to the Southwest.

We have seen it, as mentioned by the State police. Our office, frankly, prosecuted most of the cocaine corridor cases that the State police referred to. With a small office of only nine prosecutors, seven of our attorneys are assigned solely to civil work.

Senator DECONCINI. That's all you have?

Mr. LUTZ. We have 16 attorneys, nine prosecutors.

Senator DECONCINI. The U.S. district attorney's office in New Mexico has 16?

Mr. LUTZ. Sixteen, and seven are assigned to civil. Part of that is because of the large amount of Indian litigation.

Senator DECONCINI. We should do something about that.

Senator DOMENICI. We've tried.

Senator DECONCINI. I had no idea that it was that small.

Mr. LUTZ. Every U.S. attorney you talk to feels that there could be more investigative resources.

Senator ABDNOR. While you're working on it, South Dakota has 14.

Mr. LUTZ. I think one of the factors, because of the great sums of money that are generated in the drug business, the drug smugglers today have access to high technology in their business. It is extremely important that the Federal Government stay ahead of the drug smugglers in the use of technology. As an example—I think it's been alluded to before—until recently there were not a large number of high-performance aircraft available in the Southwest for interdiction purposes. The moving of the aircraft in Tucson, and we've had an increase in El Paso, have helped.

In New Mexico, we just recently received a Navajo. That's the first semblance of a high-performance aircraft that New Mexico has had for interdiction efforts stationed here in the recent past. It has a capability of probably 175, 180 knots. Many of the planes that we're intercepting in our efforts have speed capabilities greater. We've had the DC–6's, DC–7's seized recently, a Cessna Conquest, which is a jet plane. It is a legitimate problem of location of all the aircraft in El Paso, but again, there is a lot of balancing that has to go on in the Federal Government and we understand.

Senator ABDNOR. How long have you had the plane?

Mr. LUTZ. The Navajo just arrived recently.

Senator ABDNOR. Within a month or two?

Mr. LUTZ. Within that period, yes.

Senator ABDNOR. So it's too early to see if even that will help?

Mr. LUTZ. It will help. Prior to that there was a Cessna 210 that was based in Albuquerque.

You know, I think in structuring the drug effort, we must remain flexible to meet these technology needs, to be able to combat the drug problem.

Concerning the task force allocations, Mr. Nunez, I'm sure, will cover it in more detail. The San Diego task force region received substantially less allocations than other task force regions, at least some other task force regions. I feel Mr. Nunez has been very fair with New Mexico in looking at the resources he has available in transferring. But the simple fact is when you look at the numbers our task force region got, versus some others, we have a small area, yet we cover a very substantial area on the Mexican border. We now see aircraft coming in from Colombia, from Belize, nonstop into our area using clandestine airports.

I feel Customs has been responsive in giving us additional personnel. We appreciate that because I know there are many demands made on them.

I appreciate the opportunity to appear before you and would be glad to answer any questions.

Senator ABDNOR. We certainly appreciate your testimony. It's been extremely helpful and we're anxious to hear from Mr. Nunez also.

Mr. NUNEZ. Thank you, Senator. It is a pleasure to appear today.

Senator DOMENICI. Mr. Chairman, might I ask: Mr. Nunez, do you intend to describe in your prepared remarks the allocation of the task force resources?

Mr. NUNEZ. Yes, sir.

Senator DOMENICI. If not, I was just going to ask you up front to do it. It's good to have you here because you had that awesome responsibility of trying to distribute those resources, and we surely in New Mexico, and assuredly in Arizona, want to know your professional feelings regarding its progress.

Thank you, Mr. Chairman.

Mr. NUNEZ. I really wish I had the authority that some people think I have with regard to the resources. I think I should point out to begin with that in the allocations, either within a region, the Southwest border region, or from Washington to the different regions, none of us had anything other than a chance to submit a number of what we thought we needed in our respective districts.

As Mr. Lutz has indicated, we originally started off with the belief that we would get about 20 prosecutors for the three districts involved. We ended up getting 11. That was an allocation made by the Justice Department based, I guess, on the competing needs and views from all around the country. And I certainly can't quarrel with it, although I think those of us in the west have long at least imagined, if not detected, an eastward bias in the allocation of resources.

It seems that the closer you get to New York and Washington, the easier it is to get additional resources, and the further away you are, the more difficult that is. And that's not limited to the drug task forces.

Once the allocations were made of those 200 new prosecutors amongst the 12 task force regions, again, that was not a decision that I made as to whether New Mexico was going to get 1 or 5 or however many. That was, again, a decision made by Washington.

Senator DeConcini. Who in Washington makes that decision? Is that done by the head of the Criminal Division?

Mr. Nunez. As I understand the coordination of the drug task forces, the associate attorney general's office has primary responsibility for the initial workup and the continuing supervision of the drug task forces.

Senator DeConcini. Mr. Nunez, do you know if they have filled all of those positions that were allocated? I think there were—refresh my memory. Was it——

Mr. Nunez. There were 200 new prosecutors.

Senator DeConcini. I was going to say 300 new prosecutors. And for a long time they had not filled them. Do you know if they are filled now nationally? Maybe that's an unfair question to ask you.

Mr. Nunez. No; they are filled.

Senator DeConcini. They are filled.

Mr. Nunez. When I testified in Phoenix last year in front of your subcommittee meeting, that was an issue that came up. At that point in time—I think all U.S. attorneys would agree that at least up until that point in time, the delays were not attributed to any problems in Washington, but it's a fact of life that you need to find competent, qualified, experienced lawyers to fill these positions.

Senator DeConcini. But the decision as to where the slots are is really made in Washington?

Mr. Nunez. Absolutely.

Senator DeConcini. Do you make a recommendation?

Mr. Nunez. We all did.

Senator DeConcini. You submitted what you thought was necessary to cover this wide area of New Mexico, Arizona, and southern California?

Mr. Nunez. That's correct.

Senator Abdnor. You asked for how many?

Mr. Nunez. We thought we were going to get 20 and we got 11. As I recall, the original request was for three for New Mexico and seven for Arizona, and as we know now, three went to Arizona and one went to New Mexico.

Senator DECONCINI. Thank you.

Mr. NUNEZ. As the committee knows, I am the core city U.S. attorney and I frankly don't know how to describe what my role is. It is something that's written into the guidelines and the procedures that have been set up. And the way I view it is that we are all, the three U.S. attorneys in this region, are all independent. We all do our own cases just like we always have.

If anything, our role is more of an impediment to Mr. Lutz and Mr. McDonald in the fact that we have to collect certain statistics which have to be forwarded to Washington on a rather frequent basis and increasing basis. And essentially that becomes the only role that the core city U.S. attorney, the core city coordinator, plays, as long as there are no disputes about certain cases, which case are we going to go after first, since we don't have enough resources to handle all the cases that could be handled.

Senator DECONCINI. Who makes that final decision, you?

Mr. NUNEZ. It's made on a district basis to begin with, and Mr. Lutz with his task force personnel will decide what he thinks is best. And only if there is a disagreement within a district, then it is brought to a committee, of which Mr. Lutz, Mr. McDonald, and I and various other people are members of. And I guess even if we can't resolve it, then it can go to Washington. But so far——

Senator DECONCINI. Has that happened?

Mr. NUNEZ [continuing]. We haven't had that problem. There doesn't seem to be any problem in deciding who to target. The targets are readily available. There are more than we can handle.

It's sometimes difficult in our line of work to decide whether we should be pessimists or optimists about what's happened. On the one hand, I think we can point to having available more resources than we've ever had before, both at the investigative level and prosecutive level. Arrests are up, indictments are up, convictions are up, jail sentences are up. They're generally longer. We have more people in prison now in Federal prisons than I think any time in history, all of which could lead you to believe that you're succeeding.

But then you balance that against what appears to be an almost inexhaustible and never ending supply of drugs still coming in. So I don't really know whether we're—I think we're doing a good job with the resources available, but it is still not having an effect upon the supply and demand aspect of it.

What we do in Federal law enforcement is to attack the middle of a problem, if you will. We have very little we can do about the supply end of it, the source countries. That's beyond our immediate control. Nor can we deal with the consumer end of it. We're in the middle trying to prevent the consumer and supplier from getting together. And it is probably not the most efficient way to handle an overall problem, but it's the only thing that we have available to do right now.

I know that there are prodrug education programs to try to cut off the demand to some extent. There have been some efforts diplomatically to cut off the source with at least minimal, if any, result. So it's difficult, again, to assess how we are doing when you look at it in that perspective.

A couple of further comments to follow up on what we've talked about so far. With regard to local task forces or cooperation amongst, Federal, State, and local people, there are, at least in my mind, two difficult problems to overcome once you get past the decision to cooperate. Federal law has two very significant obstacles. One is grand jury secrecy under rule 6 of the Federal rules, which may be alleviated to some extent by a rule change that's now going through the last part of the judicial council's process, which would for the first time allow a district court judge to permit a Federal prosecutor to turn over to State or local authorities information gathered through the Federal grand jury process.

Up until this point that is a significant problem. And it becomes a real problem when you do have State, Federal, and local people working together on one case. It is difficult to share all of the information if you have gotten it through the grand jury with everybody involved. There are innumerable cases, Federal court decisions, some of which say it's OK, some of which say it's not OK. So that's one problem.

Another problem is that especially with the high-roller defendants, the ones that the drug traffic force has focused on, where you're looking for asset removal and forfeiture proceedings, almost invariably there is a tax aspect of it. The IRS is involved. They have been excellent in assisting the task forces, I think, everywhere in putting together the financial part of the case.

There are a lot of disclosure problems relating to tax information. IRS cannot share even with other Federal agencies, let alone State agencies, some information that they obtain if they obtain it in certain ways. So that creates problems. We have had circumstances, for instance, when we have known that a drug defendant had certified assets. He knew he was under investigation and he began to liquidate his assets, and there was not a thing we could do about it because we were not yet ready to indict. We were not yet ready to institute a forfeiture proceeding, and IRS couldn't use the information to turn it over to civil IRS people to make the seizure to put some kind of a hold on the asset. And that has, again, become and still is a significant problem.

One footnote to the experience in our district relating to the narcotics task force, the county task force that I described. Again, I don't know what exactly what to make of this, but I think because it has been so successful, the State bureau of narcotics enforcement has decided to pull out of San Diego because the task force does everything that they otherwise would do. And again, the State bureau of narcotics in California has the whole State to cover with limited resources. They've made a determination to spend those resources somewhere else because this county task force has been so successful.

A note about New Mexico. They have 16 assistants, which, however small that may appear to some of us that have a larger compliment, Bill is, I think, proud to be in the large half of U.S. attorneys' offices. He just makes the cut to be in the half of U.S. attorneys' offices that are the largest group. I think 15 is about the cutoff. So there are roughly 45 districts throughout the country that have 15 or fewer U.S. attorneys or assistant U.S. attorneys to cover lots of area, generally, and handle lots of problems.

And I've heard from other U.S. attorneys, I'm sure Bill to some extent has already mentioned some how it affects him. But sometimes there isn't a complete conformity between having a Federal prosecutor and the right kind of agent available, even from the Federal agencies. There are States that don't have a DEA agent available in significant areas to handle it because the allocations are just spread so thin. This is not just drug task forces. This is just DEA agents or Customs agents or ATF agents or whatever. So there are resource problems everywhere. I think they are felt most acutely in those offices, those districts, that fall in this smaller half, so to speak. Those offices that have the fewest prosecutors also usually have the fewest investigators available.

And I guess the final complicating factor, at least in my view, is that much of what we've said here today is not limited to the narcotics problem. All of us in the districts represented within this meeting are on the border, so we have an almost impossible immigration problem to deal with. Each of our districts has various other kinds of problems that fall within our Federal jurisdiction, not all duplicated in every district, but Mr. Lutz has referred to the Indian problems coming off Indian reservations, which I'm sure affects Mr. McDonald in Arizona as well.

In San Diego we have a large defense contractor facility, a lot of Navy people there, so we have a lot of defense procurement fraud. It doesn't matter what district you look at or what part of the Federal law you look at, there is not enough to do everything that has to be done. And I think that's true from not only the U.S. attorney's perspective, but all of the agencies as well.

Senator ABDNOR. This has been extremely helpful to us. Senator Domenici.

Senator DOMENICI. Mr. Chairman, could you yield just for a moment?

Let me ask Attorney Nunez: With reference to the task force, which is really an ad hoc effort as compared with the ongoing FBI, U.S. attorney, DEA, State police, and the like. Do we need to formalize in even a stronger way legislatively or otherwise the task force or do we need to look carefully at beefing up the normal law enforcement functions of the Federal Government that has broad jurisidction and would be involved in all areas?

Mr. NUNEZ. I'm tempted to say the latter. I think that Federal law enforcement almost across the board needs beefing up, if you will. At least we all need to come to grips with reality. If it's not more resources, then what are we going to do with the resources available and how are we going to avoid overlap between Federal agencies, between Federal, State, local agencies? How do we all march in the same direction without pulling each other apart? So I think that, you know, that's the choice we have.

We have a certain amount of resources made available to us. The only thing we can do is try to make those parts all work in a coherent fashion. As Mr. Lutz has said, there's not a U.S. attorney or drug agent anywhere that wouldn't say he needed more people. But you measure that against, as you said earlier, Senator Domenici, the budget deficit. How do you make those judgments?

Senator DeConcini. Will the Senator yield?

Senator Domenici. I'd be pleased to. But it seems to me that we must focus on this issue nonetheless. We could give more and still not have it focused on the area we're talking about. I suppose that's why many of us got involved in trying to focus on a specific effort.

I have one other question, but I'll be pleased to yield to the Senator.

Senator DeConcini. Go ahead, no problem.

Senator Domenici. A little bit ago when we were talking about just this one aspect, just the task force, not Customs or INS, DEA, special drug people, the FBI, you said that Arizona had asked for seven prosecutors they got three and New Mexico asked for three and we got one. Once the resource was assigned to this region, what criteria did you use to make the recommendation for Arizona, New Mexico, and California?

Mr. Nunez. The process worked a little differently from that, Senator. What happened initially was that within each district, each U.S. attorney got together with all of the Federal agents involved, and then the Federal agents got together amongst themselves, and we were working with at least a ballpark estimate of what we had to work with. And as I said before, at least as far as prosecutors, we thought that was going to be 20. It ended up not being 20.

Based on case load statistics from the past, based on estimates from the various agencies as to what the significance of the drug problem was, what the kind of drug problem was, since the drug task force was aimed at only the upper crust, or the upper level, of drug dealers, drug smugglers or whatever, there was what I would describe as an intense effort rationally to comes to grips with who's got the biggest problem numbers-wise and any other way you want to measure it. And I think there was pretty much a consensus as to the relative needs within our region. And that was what led to our kind of joint recommendation to Washington as to how the resources should be spread out.

It was roughly adopted, the proportions were roughly adopted, by the department, although in some cases not completely. And as Mr. Lutz has indicated, it's taken now 2 years to get a Customs agent assigned to New Mexico, and that's long overdue.

Senator Domenici. Thank you very much. Thank you, Mr. Chairman.

Senator Abdnor. Senator DeConcini.

Senator DeConcini. Thank you, Mr. Chairman. Mr. Nunez, do you or Mr. Lutz get asked or are you freely able to recommend to the Justice Department and to Treasury as to the need for additional, say, Customs personnel? Do you get into that at all?

Mr. NUNEZ. There is not a routine procedure for doing that. In other words, we're not asked once a year, "OK, tell us what you think the agencies need."

We all have the liberty, and I'm sure we all exercise it as often as we feel necessary, to go to Washington or to go to the agencies involved and tell them that we think we have a problem in our particular district which needs to be addressed. And just as an example of that, within the last 2 weeks in my district, we had a meeting with the Health and Human Services Inspector General's Office because they don't have anybody in San Diego, and we feel there is a tremendous amount of fraud in programs administered by HHS and there is nobody doing anything about it. So we make those requests sometimes directly to the agency involved.

Senator DECONCINI. Based on your initiative?

Mr. NUNEZ. Right.

Senator DECONCINI. Thank you.

Mr. NUNEZ. Or we go to work and try to initiate their support in doing that.

Senator DECONCINI. Mr. Lutz, a little different subject matter of interest to me because we had the problem in Arizona and maybe you're familiar with it and know Mr. McDonald. How do you handle the marijuana prosecutions vis-a-vis the local prosecutors, who may feel, as many of them in Arizona do, that this is a Federal problem; that they have refused to prosecute; and that the Federal district attorney has set some limits on what they will prosecute. Consequently we have a number of cases that do not get prosecuted in Arizona today.

Do you have that problem here and what are you doing to resolve that or what is the criteria here?

Mr. LUTZ. My predecessor has established a guideline that basically we would not take a case if there were less than 100 pounds of marijuana, and generally I have left that in effect.

Senator DECONCINI. Do local prosecutors take everything else, then?

Mr. LUTZ. Essentially, they generally take the cases. We've not had that problem. I think on the most part we have a pretty good working relationship. I have not stood rigidly by that guideline because I think those kind of guidelines can create problems—you have somebody that's a significant drug dealer and you only catch them with 50 pounds, that is a national scope.

Another problem that came up during the cocaine pipeline cases, which are primarily investigated by the State police—and they're the ones that originated the methodology and the working—our chief Federal judge jumped all over me in an open hearing about why were we taking these cases that were basically State cases. And it's my feeling that it's a national problem, and the mere fact that the cases are investigated by the State agency, we need to cooperate and in those cases. Prosecutions took place in both State and Federal court. There was a division of the work there.

Senator DECONCINI. I agree with you. I think it's a Federal problem, too, and I think it's somewhat unfair to the local prosecutor. If they want to take them, fine. They certainly have jurisdiction if it happened in their grounds and there are State laws. But it seems to me that there are Federal problems and it seems to me that it's up to us in the Federal Government to attempt to control it. If they get in, it's up to the Federal prosecutors and Federal agencies to pursue the case.

Mr. LUTZ. I would agree, sir.

Senator DECONCINI. Thank you very much, gentlemen.

Senator DOMENICI. Could I ask one further question?

Senator ABDNOR. Yes.

Senator DOMENICI. Mr. Nunez, with reference to the task force, our attorney general has indicated, although he did not say necessarily we got less than we deserved, that we're the new wave and maybe we're going to be the easy ground.

But the task force was aimed first at looking at the high rollers and saying, "Where are most of them?" and then assign the resources based on trying to get to them. Is that what I understand to be one of the basic notions of it?

Mr. NUNEZ. That's correct. The task force was not meant to focus on the broad spectrum of narcotics problems. This particular effort was to focus on those where organized crime—the evolving organized crime.

Senator DOMENICI. And then the three jurisdictions involved in the district got together after assessing and inventorying their prospective high rollers, organized crime, and in an individual way assessed how much they had, after which the ultimate resources that were assigned by the national government were divvied up. Is that a basic, fair assumption?

Mr. NUNEZ. Yes.

Senator DOMENICI. So if we want more interdiction because we think things are in our direction, the task force is not the appropriate one.

Mr. NUNEZ. That might be right. Interdiction does not necessarily equate to a case that would fall within the organized crime drug traffic force. It might, but it does not necessarily.

Senator DOMENICI. If we feel—without adequate statistics—that there is a new movement in our direction with more and more flowing through, not necessarily be the task force high-roller quantity, we'd have to look at something else, such as beefing up Customs, other normal functions, as an effort to help local law enforcement. Is that correct?

Mr. NUNEZ. That's right. Beefing up DEA, but not specifically the drug task force aspect of the DEA. As an example, beefing up the U.S. attorney's office, but not necessarily restricted to the drug traffic force effort. We need to remind ourselves that the drug task force is kind of a layer on top of resources that we all had previous to the institution of the task force, that were doing drug cases of all sorts. So you can't look only at task force resources if you want to know what we're using against the drug problem in the total sense.

Senator DOMENICI. Thank you very much, Mr. Chairman.

PREPARED STATEMENTS

Senator ABDNOR. Thank you, gentlemen. Mr. Nunez and Mr. Lutz, I can't tell you how invaluable your testimony is, and I'm sure it will be looked at numerous times when the record comes out. You've brought up some very important matters that may somehow escape Members of the Congress as well as the people who administer the program. We are most appreciative of your time and we thank you very much.

[The statements follow:]

STATEMENT OF WILLIAM L. LUTZ

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to appear before you, to discuss drug interdiction efforts in the State of New Mexico. The effort to combat importation of heroin, cocaine and marijuana into New Mexico from foreign countries is affected by the geography of the State, and the resources available. In land area, New Mexico is the fifth largest state, containing approximately 121,600 square miles. The eastern third of the State is a flat, arid grazing area. The north central part of the State contains the southern part of the Rocky Mountains. The southwestern part of New Mexico, is an arid desert area containing broad flat valleys, interspersed with mountain ranges.

From Anapra, which is forty miles south of Las Cruces, New Mexico, to the Arizona border, the Mexican border is marked by a fence which offers no real barrier to entry. The mountains in this area of the State run from Mexico well into the United States. The mountains are separated by broad, flat valleys. Since the mountains shield these valleys from normal radar detection, this area has traditionally been popular with drug smugglers. In the eastern part of the State, and many areas elsewhere in the State, there are areas upon which aircraft can be landed without runways. By reason of the sparse population, rarely do drug smugglers have to worry about accidental detection of their activities.

At the present time, there are less than thirty-five full-time federal law enforcement officers assigned to drug cases. When one looks at the numbers specifically working on interdiction, the number falls even further. Customs has six air officers stationed at the Albuquerque

Center in Albuquerque, New Mexico. Within the last several weeks, Customs has assigned an agent to New Mexico. It is my understanding, an additional agent will be assigned after the beginning of the fiscal year. This is a much needed addition to our efforts.

It is absolutely essential that federal law enforcement officers cooperate with the New Mexico State Police, County Sheriff's Offices and local municipal narcotics units. We have been fortunate in New Mexico in that the New Mexico State Police and various other law enforcement agencies in New Mexico have been extremely cooperative in working with federal agencies on drug problems.

In years past, there has been a feeling that cooperation of federal law enforcement was a one-way street. Part of this image has been created by statutes, regulations and agency policies which prevented working with State and local agencies as equal partners. One of the important initiatives by the Department of Justice in recent years has been to attempt to correct some of these imbalances and inequities and to allow federal agencies more flexibility in working with State and local law enforcement. While much progress has been made in this area, there still exists room for improvement.

As an example, within the last fifteen months, our office has been involved in the prosecution of a large group of individuals from the Florida area, who were importing large quantities of marijuana into the United States. It has been documented that multiple loads of marijuana have been flown into the Western United States by large aircraft such as DC-6's and DC-7's. In February and March of 1983, this group landed a DC-6 near Willard, New Mexico, each time, some 23,000 pounds of marujuana was contained in the aircraft. The marijuana had been flown, non-stop, from Columbia. The United States Customs Service had been tracking the aircraft on the second trip since it entered United States' airspace southeast of Houston, in the Gulf. Within a matter of hours, the New Mexico State Police and the Torrance County Sheriff's Office had responded to the aid of Customs and the Drug Enforcement Administration to apprehend the persons involved in this matter. As a result of the efforts of the New Mexico State Police and the Torrance County Sheriff's Department, nine persons were ultimately arrested within the next several days. All nine of these persons were convicted and sentenced to serve fifteen years in federal penitentiaries. In addition, the DC-6 aircraft was seized along with numerous vehicles, including two semis and several four-wheel drive vehicles.

Many of the rural areas of New Mexico are sparsely populated and do not have a high income base, or a high tax base. The Torrance County Sheriff requested that they receive one of the four-wheel drive vehicles, which would greatly aid the law enforcement efforts in this small rural county. Unfortunately, this request was denied by the Director of Customs.

Presently, as a part of the President's Comprehensive Crime Bill pending before the House, are provisions which would give federal agencies discretion to turn seized vehicles and other property over to State and local law enforcement. It is most important that statutes such as this be passed. Only if federal law enforcement and local law enforcement work as equal partners can we be effective in New Mexico to slow the flow of drugs.

Federal law enforcement must also remain flexible to the changing nature of the drug importation business. In the early and mid-70's, New Mexico was the site of substantial importation of marijuana. A substantial effort was made to attack this problem. As a result of this, importation from Mexico was greatly reduced. However, Columbia then became a problem, and many drug smugglers moved to the South Florida area and to the East Coast. We are now beginning to see the situation begin to reverse with drug smuggling increasing in this area of the country as enforcement pressures are increased in South Florida and the rest of the Southeastern United States. In my opinion, in the late 70's, the federal government was slow to react to the change in methods of operations by drug smugglers.

By reason of the great sums of money generated in the drug business, drug smugglers have access to high technology in the operation of their business. It is extremely important that the federal government stay ahead of the drug smugglers in the use of technology. The recent changes to allow the military to participate in interdiction efforts has been helpful. As I mentioned earlier in this testimony, it is easy to shield an air smuggler from detection by reason of the mountains along the New Mexico/Mexico border. Through use of facilities from the military, such as airborne radar, we have increased our capability. The recent addition of more high-performance aircraft available for the interdiction effort has also helped. Until recently, there were no aircraft capable of speeds greater than approximately 165-175 knots based in New Mexico. Recently, a Navajo, which has a somewhat greater speed capability, has been stationed in Albuquerque. It is important that the need for high-performance aircraft be recognized in interdiction efforts. Most of the recent cases brought by our office involving importation of drugs from outside the boundaries of the United States, have been through the use of high-performance aircraft. It is also important also that the aircraft be located so that they can intercept the air smuggler and then have the speed capabilities to keep up with the air smuggler.

As an example, several years ago, a large quantity of cocaine was imported into New Mexico through use of a Cessna Conquest, having speeds well in excess of 200 miles an hour. Even today, there is no aircraft based in New Mexico, capable of similar speeds to a Cessna Conquest.

I appreciate the opportunity to appear before the committee, and if you have any questions, I shall be glad to answer them. Thank you.

STATEMENT OF PETER K. NUNEZ

IT IS A PLEASURE TO APPEAR BEFORE THIS SUBCOMMITTEE IN BEHALF OF THE DEPARTMENT OF JUSTICE AND THE FEDERAL LAW ENFORCEMENT AGENCIES WITHIN THE SOUTHWEST BORDER REGION OF THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE TO TESTIFY CONCERNING THE NATURE AND MAGNITUDE OF THE DRUG TRAFFICKING THREATS TO NEW MEXICO AND THE REST OF THE SOUTHWEST BORDER REGION. I AM THE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF CALIFORNIA LOCATED IN SAN DIEGO, CALIFORNIA AND ALSO THE CORE CITY UNITED STATES ATTORNEY FOR THE SOUTHWEST BORDER REGION OF THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCE.

THE SOUTHWEST BORDER REGION CONSISTS OF THREE JUDICIAL DISTRICTS: IN ADDITION TO THE SOUTHERN DISTRICT OF CALIFORNIA, IT INCLUDES THE DISTRICT OF ARIZONA AND THE DISTRICT OF NEW MEXICO. IN THAT REGARD, MY OFFICE WORKS CLOSELY WITH THE

UNITED STATES ATTORNEYS' OFFICES IN THE DISTRICT OF ARIZONA AND THE DISTRICT OF NEW MEXICO.

THE THREE JUDICIAL DISTRICTS WITHIN THE SOUTHWEST BORDER REGION HAVE ONE COMMON ELEMENT, AND THAT IS A LAND BORDER WITH THE REPUBLIC OF MEXICO. EACH OF THE THREE DISTRICTS, THEN, HAS BEEN INVOLVED HISTORICALLY IN THE WAR AGAINST DRUGS AND NARCOTICS--PRIMARILY, BUT NOT EXCLUSIVELY, THOSE CONTROLLED SUBSTANCES SMUGGLED ACROSS THE BORDER FROM MEXICO INTO THE UNITED STATES. IN ADDITION, SEVERAL DIFFERENT LAW ENFORCEMENT AGENCIES PLAY VITAL ROLES IN THE INTERDICTION EFFORT ALONG THE MEXICAN BORDER. THOSE AGENCIES INCLUDE THE DRUG ENFORCEMENT ADMINISTRATION, UNITED STATES CUSTOMS SERVICE, THE IMMIGRATION AND NATURALIZATION SERVICE (INCLUDING THE UNITED STATES BORDER PATROL), AND MORE RECENTLY, OTHER AGENCIES AFFILILATED WITH THE NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM (NNBIS). IT SHOULD BE STRESSED THAT NNBIS IS NOT ITSELF AN OPERATIONAL ENTITY. RATHER, IT IS A COORDINATING MECHANISM WHICH ALLOWS FOR THE INTERACTION OF THOSE FEDERAL AGENCIES LISTED ABOVE, AS WELL AS THE U. S. COAST GUARD AND VARIOUS MILITARY RESOURCES ON A REGULAR BASIS. THE GOAL OF NNBIS IS TO ASSURE THAT ALL OTHER AGENCIES THAT HAVE A ROLE IN THE INTERDICTION EFFORT WORK TOGETHER IN A COORDINATED FASHION. FURTHERMORE, NNBIS ATTEMPTS TO UTILIZE ADDITIONAL RESOURCES MADE AVAILABLE BY THE VARIOUS MILITARY COMMANDS TO ASSIST IN THE INTERDICTION EFFORT.

ALTHOUGH OUR COMMON BORDER WITH MEXICO CREATES FOR US OUR MOST DIFFICULT PROBLEM, THE BORDER IS NOT THE ONLY PROBLEM WITH WHICH WE HAVE TO DEAL. CONTROLLED SUBSTANCES OF ALL VARIETIES CONTINUE TO BE TRANSPORTED THROUGH AND INTO OUR RESPECTIVE DISTRICTS FROM OTHER PARTS OF THE UNITED STATES. FOR EXAMPLE, SIGNIFICANT SEIZURES OF COCAINE CONTINUE TO

BE MADE IN THE DISTRICT OF NEW MEXICO, AS WELL AS THE OTHER TWO DISTRICTS IN CIRCUMSTANCES WHICH SUGGEST THAT THE COCAINE HAS BEEN SMUGGLED INTO THE UNITED STATES THROUGH THE SOUTHEASTERN PART OF THE COUNTRY AND THEN TRANSPORTED OR SHIPPED ACROSS COUNTRY TO THE WEST COAST FOR ULTIMATE DISTRIBUTION AND CONSUMPTION. IN THAT REGARD, I AM SURE THAT THE DEA REPRESENTATIVES HERE TODAY AND BILL LUTZ, THE UNITED STATES ATTORNEY HERE IN NEW MEXICO, WILL BE ABLE TO PROVIDE YOU WITH FURTHER ILLUSTRATIONS OF THE DRUG PROBLEM AS IT IS FELT HERE IN NEW MEXICO.

OUR EFFORTS IN INVESTIGATING AND PROSECUTING NARCOTICS VIOLATORS SINCE 1981 HAVE BEEN MATERIALLY ENHANCED BY TWO SIGNIFICANT DEVELOPMENTS. THE FIRST WAS THE CREATION BY PRESIDENT REAGAN OF THE ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES, WHICH CONGRESS QUICKLY FUNDED, WHICH WE HAVE DISCUSSED BRIEFLY ABOVE. THE OTHER DEVELOPMENT HAS BEEN THE EMPHASIS PLACED BY THIS ADMINISTRATION ON COOPERATION AMONGST FEDERAL, STATE, AND LOCAL LAW ENFORCEMENT AUTHORITIES TO BETTER COORDINATE OUR EFFORTS IN THIS STRUGGLE. THROUGH THE VEHICLE OF THE LAW ENFORCEMENT COORDINATING COMMITTEES AND OTHER INITIATIVES UNDERTAKEN ON A MORE LOCAL BASIS, WE HAVE ACHIEVED A BETTER WORKING RELATIONSHIP AMONGST ALL OF THE VARIOUS LAW ENFORCEMENT AGENCIES WHICH HAVE A ROLE IN CONTROLLING THE ILLEGAL SMUGGLING AND DISTRIBUTION OF CONTROLLED SUBSTANCES. THE INCREASED RESOURCES ADDED THROUGHOUT THE COUNTRY AS A RESULT OF THE OCDETF INITIATIVE AND THE BETTER UTILIZATION OF RESOURCES THROUGH COORDINATION WITH STATE, FEDERAL, AND LOCAL AGENCIES HAS DRAMATICALLY IMPROVED OUR ABILILTY TO INVESTIGATE AND PROSECUTE MAJOR DRUG VIOLATORS, NOT ONLY THROUGHOUT THE SOUTHWEST BORDER REGION, BUT ACROSS THE ENTIRE COUNTRY.

I WOULD BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE.

STATEMENTS OF:

LT. GEN. R. DEAN TICE, DIRECTOR, DEPARTMENT OF DEFENSE TASK FORCE ON DRUG ENFORCEMENT

CAPT. L.N. SCHOWENGERDT, DIRECTOR, NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM STAFF

Senator ABDNOR. I ask the two Members here with me: According to my watch it is five after 11. The next witnesses will be General Tice, with the Office of the Secretary of Defense and director of the defense drug enforcement activities and Capt. Nick Schowengerdt, with the Office of the Vice President and coordinator of the interagency drug enforcement activities.

Gentlemen, we would ask you to come forward.

Let me just say that we may come to an abrupt recess here. We are expecting a phone call in a few minutes and don't let it bother you if we pound the gavel and take a real brief recess. We will resume almost immediately after this.

With that, we welcome you gentlemen to the committee. I'm sure you are finding testimony from the other witnesses just as interesting as we are, and we certainly are anxious to hear from you.

PREPARED STATEMENT

Lieutenant General TICE. Mr. Chairman, I think in the interests of time I would like to ask that my prepared statement be inserted for the record and I would just briefly summarize some of the activities that the Department of Defense has been involved with in cooperation with the National Narcotics Border Interdiction System, which Captain Schowengerdt represents the Vice President.

Senator ABDNOR. We will insert your prepared statement in the record at this point and then you may proceed.

[The statement follows:]

STATEMENT OF LT. GEN. R. DEAN TICE

Mr. Chairman, other members of the Subcommittee, I am honored to appear before you today to discuss current Department of Defense support of civilian anti-drug efforts.

The Defense Department is contributing to the anti-drug effort to the maximum extent possible under current law, and under the resource and military preparedness constraints with which we must abide. Before addressing the specific issues affecting our support to the civilian drug law enforcement community, let me put the DoD role in perspective by making a few preliminary remarks.

Under the legislation passed in December 1981, DoD provides Federal, state, and local civilian law enforcement officials with information collected during the course of normal military operations, makes military equipment and facilities available, and provides training and expert advice.

This law expressly forbids direct participation by members of the Army, Air Force, Navy or Marine Corps in arrest and seizure activities, or in any other form of law enforcement -- except, of course, where allowed under other statutory authority.

And finally, the considerations of military preparedness and reimbursement must affect all of our decisions. National security cannot be undermined as the Defense Department meets its other responsibilities under the law.

With this legal framework in mind, I would like to outline the typical forms of major military assistance being given to civilian drug law enforcement agencies. Most of these forms of assistance have been provided in recent months and are continuing today.

The military assistance to date has been provided along all of our border regions, with the heaviest concentration in the South Florida and Gulf regions. Much of the DoD assistance has come from the Navy. Their E-2C radar squadrons are flying surveillance missions in support of Customs Service requirements. Some of this support in the Gulf of Mexico has come from a reserve

E-2C squadron operating out of New Orleans. Navy P-3 anti-submarine warfare aircraft support the Coast Guard in detection of traffickers in coastal as well as open ocean environments.

All Navy ships operating in coastal and nearby waters are continually vigilant in seeking suspect vessels. In the Florida Keys, a six-ship Navy hydrofoil squadron has proven to be especially useful in support of civilian interdiction activities; fortuitously, the ideal training for their wartime mission is virtually a "perfect fit" with the drug interdiction effort. Some Navy vessels carry Coast Guard boarding parties, which are called "TACLETS," or Tactical Law Enforcement Teams. The reason for these "TACLETS" is twofold: first, as mentioned earlier, since DoD personnel may not become directly involved in interdiction operations, the TACLETS conduct actual boarding of suspect vessels; second, maritime law enforcement is the responsibility of the Coast Guard.

The Marine Corps has been operating OV-10D aircraft in conjunction with the Customs Service. Although relatively slow and low flying, these "Bronco" airplanes are equipped with Forward-Looking, Infra-Red sensors. The so-called "FLIR" provides the aerial observer with exceptionally good nighttime vision, adding a long-needed technological improvement to the Customs Service effort.

The Air Force is also playing a substantial role in assisting drug law enforcement efforts. In the Gulf region alone, Air Force C-130 aircraft have flown frequent training missions in support of the drug enforcement community during the past few months. B-52 aircraft on routine training flights add to the information base on suspect vessels. AWACS radar aircraft are also used quite extensively along the Southeast, Gulf, and Southwest border areas.

The Air Force has also been providing assistance to the Drug Enforcement Administration in the Bahamas. There, a twin-engine, night capable, over-water helicopter unit has helped DEA and

Bahamian authorities produce an impressive record of drug interdictions. As you know, Mr. Chairman, one Air Force helicopter went down in the sea at the cost of the lives of three Air Force crew members and one DEA agent. Despite this tragic loss, we remain steadfast in our conviction to support the Bahamian authorities.

In addition to providing aircraft support, the Air Force has also signed agreements with the Customs Service granting them access to all information obtained in the combined Air Force/FAA Joint Surveillance System. In addition to this nationwide system of ground-based radars, the Air Force -- with the cooperation of the Navy -- has tied the balloon-borne radar in the Florida Keys into the Customs Service command center in Miami.

The Customs Service and the Air Force are examining the possibility of collocating the Customs command centers in Air Force Regional Operational Control Centers at Tyndall Air Force Base, Florida, and March Air Force Base, California. This action would provide the Customs Service with direct access to the North American air defense command and control system.

The Army has provided the Customs Service with eight helicopters, four Cobras, and four Blackhawks. These aircraft have proven to be invaluable in the interdiction effort. Two examples of Army initiatives in Arizona typify how slight modifications in training programs benefit both DoD and civilian drug law enforcement efforts. The United States Army Intelligence School at Fort Huachuca has been working hard to make training programs more realistic and meaningful to its students. Of particular concern was the training of Mohawk crews and image interpreter/ground surveillance radar and sensor operators. Traditionally, most of the training was given in the classroom with "hands-on" efforts limited to facilities on the installation or flight paths which would not be like those expected on future operational missions. The Army, after extensive study, has implemented two programs.

The first, entitled "Hawkeye," changed the flight path for Mohawk training flights. These training flights were flown on a loop north of Fort Huachuca. "Hawkeye" redesignated their flight paths to the south of the fort, where they have more utility in assisting Customs interdiction efforts. During these flights, scenarios more commensurate with actual operational missions are used. In addition to enhancing the realism of the training, the Army is able to provide valuable information to federal law enforcement authorities. A data base of image information has been developed. All collected information is compared to this data base and variances (such as new holes in fencing, increased usage of trails and roads, or alterations in terrain) are provided to appropriate law enforcement officials. Additionally, all aircraft crews are being trained to identify suspect low flying aircraft penetrating U.S. air space and a dual channel reporting system has provided realtime information to Customs officials in Tucson.

The second program, called "Ground Hog," moved the training of ground surveillance radar (GSR) operators and sensor operators out of the classroom for a four-day field training exercise near Yuma Marine Air Station. Students follow a tactical scenario in emplacing GSR and sensor equipment looking for evidence of intrusion. Typical intrusion closely approximates the efforts of enemy forces infiltrating lines or crossing defended boundaries. Direct communication is maintained with interested drug law enforcement authorities to point them to the expected areas of intrusion. Additionally, the location is ideally suited for visual observation of low flying suspect aircraft which is reported as well. This program provides about 160 days coverage of the designated area.

The Navy and the Air Force, working with the Customs Service and Lockheed, have configured a P-3A Orion aircraft with an Air Force F-15 (APG-63) radar system. If this system is effective in meeting Customs' needs, up to six P-3As could be similiarly configured and loaned.

The Army is prepared to lend Customs eight modified C-12A aircraft provided that monies are appropriated for C-12D replacement models which must be delivered to the Army before the others are lent to Customs.

In each of these cases I have just cited, the Customs Service would be responsible for organizing its own maintenance and support contracts.

As you know, Mr. Chairman, the Administration's efforts to end drug smuggling are an added responsibility assigned by the President to the Vice President. On June 17, 1983, Vice President Bush announced the formation of the National Narcotics Border Interdiction System (NNBIS).

The highly successful South Florida Task Force served as the model and has become the blueprint for establishing similar NNBIS operations centers in New Orleans, El Paso, Long Beach, Chicago, and New York.

The DoD has assigned highly qualified, technical people to these six NNBIS Centers to act as liaison officers. I believe the combination of skilled civilian drug law enforcement officials and military personnel, working together in an ever-improving operational system, will enable our nation to wage a successful fight against illegal drugs.

Because all of the missions undertaken in support of the drug interdiction program involve the expenditure of funds, I would like to mention the fiscal aspects of DoD assistance.

With respect to reimbursement, it is our policy to help civilian agencies in identifying the types of assistance that can be provided on a nonreimbursable basis. Most of the assistance we have provided since passage of the new legislation has not required reimbursement. This is because the support has been incidental to normal military operations, or we have otherwise obtained training benefits that are substantially equivalent to our own training programs. For example, Navy P-3 or Air Force B-52 flights which accomplish military training are provided on a nonreimbursable basis.

The legislative history of Public Law 97-86 repeatedly emphasized that the new legislation was intended to clarify exisiting practices of cooperation between the military and civilian law enforcement authorities which were already permitted by interpretations of the Posse Comitatus Act; and authorized the occasional use of military personnel to operate sophisticated equipment on loan to civilian drug law enforcement agencies.

It was not designed to transfer budgetary responsibility for civilian law enforcement functions from other agencies to the Department of Defense. To the extent that we do not obtain any direct training or operational benefits from the provision of assistance to another agency, and reimbursement would otherwise be required under the Economy Act, our directive requires reimbursement. For example, in the straightforward loan of military equipment for use by a law enforcement organization to perform the mission of that agency, The Secretary of Defense has agreed to lend the U.S. Customs Service various types of equipment and has required only the reimbursement of marginal incidental costs.

In summary, the Defense Department is proud of its role in providing support to this worthy goal.

I'll be pleased to answer any questions that you have at this time.

Lieutenant General Tice. On behalf of the Secretary of Defense, I am pleased to appear before your committee, sir. We certainly share with this committee the real concern about the drug threat to the good order and discipline of our Nation.

The Secretary of Defense has committed the Defense Department to full cooperation with the civilian law enforcement officials, and in my statement I've detailed those examples. But I would summarize that they fall in several categories. First of all, in aircraft support, we have been getting invaluable assistance out of the E2C Hawkeye from the U.S. Navy. We've had also the Air Force AWACS aircraft involved, as well as the B–52 Observe Program and the Air Force C–130's. And of course, the Marine Corps has come in with the Mohawk, the OV10–D.

The maritime support, of course, has included using teams from the Coast Guard to serve on board of U.S. naval vessels so that if there is apprehension at the high seas, then the Coast Guard are the ones that make that apprehension. And perhaps one of the greatest assistance we have made is the equipment loans, and these include the sophisticated infrared night vision scopes to a sheriff in Florida, for example, to aircraft such as the Army helicopters and the Navy P–3 aircraft equipped with F–15 radars to Customs.

In addition to that, we have provided—personnel has placed qualified technical people in the six National Narcotics Border Interdiction System regional centers to act as liaison officers to advise that center, and their coordination of the efforts of the various Federal agencies as to what assistance might be available from the different services of the armed forces.

And in the area of information, the Air Force grants Customs access to all info obtained from the combined Air Force/FAA joint surveillance systems, as well as the balloon-borne radar from the Florida Keys and Patrick Air Force Base is available to Customs.

Of course, at this time we are in the process of transferring a P–3 aircraft that has been modified with an F–15 radar, in which Senator DeConcini has played a major role in that, and we think that will assist Customs in a great way. And there are already provisions in following years, in fiscal year 1985 and 1986, to assist in that interdiction role and to support the interdiction activities of Customs Service.

I guess I would close by saying that our support to the other Federal agencies, and especially civilian law enforcement agencies, is provided within the constraints of the reimbursement requirements of our Federal law, for example, the Economy Act in the 10th United States Code 376, which says that assistance can be provided only if it does not affect the military preparedness of the United States. And that is in recognition of how we deal with measuring readiness.

I must add that since the Secretary of Defense has placed a priority on this in establishing my office, which is a central point of contact in which we have greatly improved the communications between the Office of the Vice President, between the committees within the House and Senate, and we think that we're making very good progress in utilizing both the technical assets available to the Department of Defense as well as the loan of the equipment.

Senator ABDNOR. Thank you. Don't leave. We're going to have a brief recess and we'll return very soon.

[A brief recess was taken.]

Senator DOMENICI. Let's come to order, please.

Lieutenant General TICE. That concluded my statement.

Senator DECONCINI. Proceed with your statement, Captain Schowengerdt.

Captain SCHOWENGERDT. Good morning. It's a pleasure for me to be here today to have the opportunity to brief the members of the subcommittee on the National Narcotics Border Interdiction System, in particular operations here within the NNBIS Southwest region. I'm the Director of Vice President Bush's staff in Washington handling the NNBIS element of his task. I'd like to note that in the room with us this morning also is the Vice President's coordinator for the Southwest border region of NNBIS, Mr. Jim Waite, who is a customs officer detailed to this additional task by the Commissioner of the Customs Service.

PREPARED STATEMENT

I would like to summarize my formal statement. It's fairly extensive and I've given it to the reporter.

Senator DECONCINI. We'll put it in the record without objection.

[The statement follows:]

STATEMENT OF CAPT. L.N. SCHOWENGERDT

Good morning Mr. Chairman, Members of the Sub-Committee, I am Captain Nick Schowengerdt, Director of the Vice President's National Narcotics Border Interdiction System Staff in Washington, D.C. I am pleased to be given this opportunity to brief the Sub-Committee on the National Narcotics Border Interdiction system, or to use the acronym, NNBIS.

It should be noted at the outset that NNBIS is only one of several ongoing initiatives by the President to fight the nation's war against illicit drugs. The 1982 Federal Strategy for Prevention of Drug Abuse and Drug Trafficking delineates five major areas of concentration, three of which are aimed at reducing the national demand for drugs. These are Education and Prevention, Detoxification and Treatment, and Research. As you know, Mrs. Reagan has selected drug abuse as an issue of personal interest, and is supported in her efforts by the White House Drug Abuse Policy Office and the Drug Enforcement Administration.

The fourth element of the Federal Strategy is International Initiatives to reduce the supply of illicit drugs at the source. The International Initiatives are coordinated by the Department of State which receives support from the Drug Enforcement Administration and the Drug Abuse Policy Office. The primary focus in the international arena is illicit drug crop eradication augmented by crop substitution programs, and support to source and transit countries in improving their law enforcement programs.

The fifth element of the Federal Strategy is law enforcement, of which the interdiction effort coordinated by NNBIS is a part:

On April 10, 1981 Attorney General Smith appointed a Task Force on Violent Crime which developed 65 recommendations on ways in which the federal government can improve its efforts to combat violent crime. These recommendations formed the basis of the Comprehensive Crime Control Act of 1983 which President Reagan forwarded to Congress on March 16, 1983. This proposal includes reform of the bail laws, comprehensive reforms in federal forfeiture laws, and sentencing reform, each of which provide a measure of deterrence to drug smuggling activity. On January 21, 1983, the Attorney General assigned to the Federal Bureau of Investigation concurrent jurisdiction with the Drug Enforcement Administration to investigate drug law offenses, and assigned to the Director of the Federal Bureau of Investigation general supervision over drug law enforcement efforts and policies. This has brought the specialized investigative talents of the Federal Bureau of Investigation into the fight against drug organizations. In 1981 the Drug Enforcement Administration began coordinating an aggressive national domestic marijuana erradication/suppression program which by 1983 included 40 states.

In January 1982 the President established the South Florida Task Force at the request of the citizens of Miami, who had watched criminal elements virtually take over and terrorize the Miami metropolitan area. Vice President Bush was asked to head the Task Force and organize a cohesive attack against drug traffickers and their organizations. The situation was critical and demanded a major federal law enforcement response. In a brief period of time additional federal judges, more prosecuting attorneys and hundreds of additional law enforcement personnel were assigned to South Florida. The Coast Guard was augmented in the region, and assistance was solicited and received from the Defense Department including the Army, Navy, Air Force and Marines. Diplomatic initiatives were intensified with some of our Latin American friends to enhance the cooperative law enforcement effort.

While success is frequently difficult to measure, there is no disagreement that the South Florida Task Force has had a major impact on criminal activity in the area. The best measure of this is the new mood of optimism which is evident in Miami, as opposed to the pervasive fear and despondency prior to the Task Force arrival. We have by no means been 100 percent effective. South Florida remains a principal point of entry from source countries for marijuana and cocaine, and therefore, our law enforcement efforts there will continue.

Due to the intense pressure in South Florida, criminal organizations have begun to change their smuggling patterns. In response to this President Reagan directed two new initiatives. The Organized Crime Drug Enforcement Task Forces were announced on October 14, 1982 as part of a major program headed by the Attorney General to combat the organizations which finance and control drug trafficking and distribution networks. These Organized Crime Drug Enforcement Task Forces are now operational in 12 key areas throughout the country and are achieving excellent results.

The second new initiative to counter the diversion from South Florida is the National Narcotics Border Interdiction System, which was created by President Reagan on March 23, 1983. NNBIS was tasked with combatting drug smugglers at and approaching the borders of the United States. NNBIS commenced its coordination efforts in June 1983, with regional centers established in New York, Chicago, Long Beach, El Paso and New Orleans. In addition, the South Florida Task Force center in Miami also became an NNBIS regional center.

The mission of our NNBIS centers is to coordinate efforts to interdict the flow of narcotics into the U.S. using all appropriate federal resources, and those state and local resources available and desirous of participating. Each region must, therefore, collate intelligence information, assess the threat to the region, prioritize smuggling targets, identify resources available to interdict targets, and recommend actions to participating agencies. Each regional center has two functional entities: the Interdiction Operations Information

Center (IOIC), and the Interdiction Information Coordination Center (IICC).

The purpose of the IOIC is to coordinate and match intelligence with existing interdiction resources, and then to recommend action to the command and control element of those existing resources, in order to effect interdiction efforts. The IOIC uses all available intelligence, both tactical and strategic, to accomplish its purpose. The IOIC is cooperatively staffed by representatives of all the federal enforcement agencies, as well as all branches of the military. Similarly, the interdiction, surveillance and pursuit resources provided are from all federal enforcement agencies and the military, as well.

The purpose of the IICC is to provide the NNBIS organization with a complete and accurate assessment of the narcotics smuggling picture as it exists, as it changes, and as it projects for the future. The first priority of this group is to develop tactical intelligence including trends which will be used by NNBIS to attack the smuggling problem. The IICC uses all intelligence sources, both domestic and international, examines and develops the gathered data and intelligence, and develops a "picture" of narcotics smuggling activity. Any such information or analysis that was not received from EPIC is passed to EPIC for additional dissemination and analysis.

It should be noted that NNBIS per se does not make seizures. Seizures are effected by the participating agencies, collectively or individually. NNBIS' function is to increase the agencies' effectiveness through cooperative/coordinated efforts. In effect, NNBIS is the agencies: DEA, FBI, Customs, Coast Guard, Border Patrol (INS) and DoD elements.

Each NNBIS region is tasked with coordinating joint agency special operations within its geographical area of responsibility. The region also conducts follow-up interdiction analysis on all special operations and seizure data to determine regional trends.

The air interdiction portion of drug interdiction is a most difficult area. Factors such as short target transit time, gaps in radar coverage, short supply of detection and intercept assets, and ability of a smuggler to land in a foreign country outside the reaches of our enforcement authority work against the law enforcement community. We are attempting to resolve many of these issues. We have worked with the intelligence and defense communities toward early detection of suspicious aircraft. This includes using Air Force AWACS and Navy E-2 aircraft to detect potential air smugglers and to identify the necessary communications links to alert, launch and vector intercept aircraft onto the target. All of the military services have been very responsive to enforcement needs.

The FAA has completed a multi-agency classified study, initiated at our request, to identify all surveillance systems in the United States today. It also identified the gaps in radar coverage for aircraft crossing our borders at low flight altitudes. The Vice President formed the Joint Surveillance Committee under the chairmanship of NNBIS. This committee included representatives from DoD, Justice, Treasury, Transportation, State and the Intelligence Community, to follow up on the FAA study. The committee was divided by expertise into subgroups to review, analyze and make recommendations on the drug threat, current detection capabilities, reaction capabilities and possible deterrence measures which could be enacted by new legislation or practice. The final report contained eighteen specific recommendations which would increase detection and interdiction capabilities. These recommendations were presented to the NNBIS Executive Board last month. The Executive Board, chaired by the Vice President, approved 14 of the recommendations for action and/or implementation within existing budgetary constrants. The remaining four recommendations will be taken up again after additional information is received from three outstanding studies.

We are providing assistance to the Customs Service in their interface with the Department of Defense with respect to the acquisition of additional loan aircraft. This includes the P-3 and C-12 acquisition programs, and the loan of related sensor systems. We support these initiatives to the extent they do not adversely impact military preparedness. In conjunction with our border interdiction oversight responsibility we are also following with interest developments in the Customs-leased aircraft program.

Through the State Department and in consultation with the DEA, we are working with the Mexicans, Bahamians, and Canadians to overcome the problems of smuggling aircraft landing outside U.S. territory when they realize they have been detected by U.S. law enforcement. Concurrently, we are attempting to improve our joint interdiction efforts along the Mexican and Canadian Border.

Meetings have been conducted with officials of these governments to ascertain what resource requirements and/or operational activities might be best suited to a successful interdiction program. These meetings have been coordinated with appropriate agencies at the Washington level.

One of the most difficult drug enforcement areas to attack is smuggling via commercial carrier including cargo shipments. The vast quantity of air, sea, and vehicular traffic entering this country daily is staggering. The task falls primarily to the Customs Service with assistance by the Border Patrol along our land borders.

NNBIS' primary contribution in support of this element is to assist in developing intelligence information and ensure its dissemination. To this end we deal with the intelligence community to ensure they are aware of our needs, and have drawn into our efforts the interest and assistance of highly skilled members of the community. Some of the desired information is classified in a national security context. In an effort to secure and protect the data, we have been able to acquire secure communications equipment through DoD,

which means more intelligence data can be brought to bear at the enforcement level. I might also point out that one of the JSC recommendations approved by the Executive Board was to support the Customs Service in this attempt to acquire state of the art technology for border inspections of cargo and vehicular southern traffic. This will not only increase our enforcement capabilities but it will also facilitate traffic along the border.

NNBIS supports and encourages the seizure of aircraft, vessels, and vehicles to include common carriers whenever justified. These seizures serve to immobilize the violator and provide a strong deterrent to both individuals and the commercial community. We strongly support the new initiatives undertaken by the Customs Service and the commercial community.

Mr. Chairman, throughout my statement I have made frequent reference to the Department of Defense and military services. The 1982 Defense Authorization Act passed by the Congress included a much needed clarification to the Posse Comitatus statute. NNBIS has the key role in implementing the will of the Congress for more DOD involvement in the drug war. We have accomplished this through a series of initiatives, many of which have been mentioned. A couple of initiatives deserve additional mention.

Each month since June, 1983, DoD assets have been made available for special operations throughout our border areas. These special operations use beneficial and available DOD resources for intensified efforts in geographical areas of concern to enforcement agencies. We also tag onto available existing DOD operations whenever intelligence indicates some benefit may be derived. While these operations are not always successful in identifying smugglers for intercept, ancillary benefits do occur. We are able to determine relative threats in specific areas while simultaneously educating both DOD and enforcement agencies on working together, identifing potential smugglers, and communicating with each other. These pre-planned commitments have led to standard commitments in some cases, and to the development of quick response arrangements in others.

We are seeing payoffs, with more and more cases being initiated by DOD alerts and reports. Each month we have used a little different mix of military assets, and are developing increased awareness of our mission needs within the military community. The support for our efforts has been outstanding from the Army, Navy, Air Force and Marines. We have worked with active and reserve components of those services and are now focusing more attention on obtaining additional support from the National Guard Bureau. We are currently working with the Guard Bureau to develop guidelines for field units and are optimistic that a further refinement of policy will enable greater participation by units.

By combining coordination and more intelligence information, we are able to work smarter, and by receiving the excellent support from the DOD we are able to also work harder. Mr. Chairman, I feel that NNBIS has made significant contributions to the national effort against drug trafficking. We still have a long way to go. Sixty percent of all crime is drug related. Border interdiction alone will not halt the drug problem, but when our improving accomplishments are measured along with the increasing successes of the DEA and the Organized Crime Drug Enforcement Task Forces, and then melded with the many initiatives in drug abuse prevention, I am optimistic that we can overcome the scourge drugs have brought upon our society.

That concludes my formal briefing, Mr. Chairman. I will be happy to respond to questions.

Captain SCHOWENGERDT. The National Narcotics Border Interdiction System, NNBIS, was created by President Reagan on March 23, 1983, and was tasked with combating drug smugglers as they approach and attempt to cross the borders of the United States, that's land borders, maritime borders, and the air borders, if you will.

NNBIS has six regional centers around the country to tackle that rather large task. One in Chicago, one in New York, Long Beach, Miami, New Orleans, and El Paso. The El Paso center is responsible for the land border with Mexico between Brownsville, TX, and the Colorado River, so you can see it's a rather extensive area. It requires an enormous amount of coordination to really make it work and work well.

NNBIS is there to coordinate. NNBIS does not seize drugs. NNBIS is not, per se, a law enforcement agency, isn't even an agency. NNBIS is a coordinating body that is made up of the agencies that have a statutory role in drug law enforcement from an interdiction perspective. Those agencies, they run up around 2 dozen on the Federal side and of course a rather large number on the State and local side.

Each of the centers is divided into an operations section and an intelligence section to do its work. The operations section looks at the work from the various agencies, State, local, and Federal, that might be brought to bear on the region. The intelligence section looks at the problem on a regional, tactical basis to attempt to describe what the smuggling problem is today, tonight, tomorrow, on a real-time basis and furnish the operations section with the information they need to try and coordinate the application of resources to the real-time smuggling problem.

NNBIS is not an original collector of intelligence. It uses the resources of EPIC, the El Paso Intelligence Center, which is a non-Federal agency consortium with DEA as the lead agency in El Paso. It gathers, or acquires, intelligence from the national intelligence community and from all of the possible sources, Federal, State, and local, that have information on the narcotics smuggling problem. It looks at it from a regional technical perspective. It tries to identify the gaps in the intelligence and then task back to the various agencies to complete the intelligence picture.

On the resource side, you've heard other testimony this morning indicating the shortage of resources to apply to the problem. That certainly is true. There are none of us who would say we have enough resources to bring to bear on the narcotics problem. It's an enormous problem. But most of it does come from overseas, most of it penetrates our borders along the southern part of our Nation, and we certainly are not catching anywhere near all of it that is coming in.

There have been shifts, as Senator Domenici indicated, in the way narcotics are being smuggled across our borders since the rather substantial efforts of the south Florida task force. I would not, however, want to leave you with the impression that those have been major shifts. I don't believe they have been, which is not to say that they may not become major shifts, but I don't think they have as yet.

There certainly has been some westward shift in narcotics smuggling from the Florida area toward California, but it has not been the major kind of shift that you might think. Miami, the south Florida area, is still the preferred point of entry into the United States for the majority of the cocaine and the marijuana coming out of South and Central America.

Senator DOMENICI. Isn't there a shift south into Georgia and some southern States?

Captain SCHOWENGERDT. There has been some, again, not major shifts. When you look at the infrastructure of the smuggling community, you see the reason why they would prefer to stay down in south Florida, if they can. That is where their organizations are based, where they do a lot of their banking and so on and so forth. But there are shifts. There are indications, perhaps, of yet further shifts.

And with the Spraying Program that is now going on with some considerable success in Colombia, spraying the fall marijuana crop, I should not be surprised to see yet some additional shifts, particularly into Mexico, Belize, Jamaican marijuana, trying to make up for what I'm sure the bad guys now see is a major attack in Colombia upon their ability to produce marijuana.

Senator ABDNOR. So even though they have all the facilities they desire in the areas of south Florida, it is a lot easier to come across the border because of the concentration in other parts than we are talking about, isn't it? The risk would be considerably less to come through New Mexico or Arizona? At least, that's what I've been listening to. Through New Mexico, they don't have the Interdiction Program at all available as quickly as they do in Florida since it was beefed up.

But the Coast Guard, the Customs, and everyone together have great input. So wouldn't there be a greater tendency, if they want to get the drugs into this country, to go to the softest place they can enter?

Captain SCHOWENGERDT. Yes, sir; you would certainly think so. And there is no doubt that our ability to detect and interdict smugglers in the south Florida area is greater than it is here. We have a lot more resources down there, some of which are organic to that area, not readily relocatable, some of which we have put in there from other parts of the country.

I think the thing that I would like to emphasize to you this morning is that there are yet things we can do to improve our ability along this part of the border with the resources we have, as well as pursuing programs to increase the amount of resources that are available to us. We are not really making the most effective use out of all of the interdiction resources that we have.

Right now, for example, in our inventory, because our ability to surveil and detect, surveil the approaches to the United States and detect the inbound smuggler, and then be able to put that interdiction resource on him, is less than what the capacity of the interdiction resource is to respond. In that regard, there have been several things we have done recently to get a handle on solving that problem. We asked the FAA to do a multiagency study to identify all of the existing surveillance systems in the United States, meaning radar, essentially.

About 1 year ago, not quite 1 year ago, they did that, and that and a number of other of items then led the Vice President to form back in April the joint surveillance committee under the NNBIS coordinating board in Washington, including representatives from all of the Federal departments and agencies who are involved in drug enforcement and drug interdiction and, of course, the Defense Department and all of the services.

The Committee was tasked to look at the problem of surveillance and detection at the approaches to the United States, not just inventory the assets currently available to do that, but to look at what a more ideal mix would be, what resources might be necessary to do that, what the cost would be of implementing a program to improve our surveillance and putting that all into the context of the threat.

So the first thing we did with that group was to do a new and very extensive threat assessment. And it is, by the way, I think without question the best assessment of the narcotics smuggling threat into the United States today that I have ever seen. That subcommittee was chaired by the Drug Enforcement Administration in Washington, and it's just a superb piece of work. It is a classified document, but following a House hearing in Washington tomorrow it will be made available to interested Senators and Congressmen on a classified basis. And I would commend it to your reading.

Senator ABDNOR. Thank you.

Captain SCHOWENGERDT. The final report of the joint surveillance committee was recently, August 10, presented to the Vice President and the executive board of NNBIS, which is the cabinet heads of the agencies, for their review and approval or change. Fourteen of the 18 specific recommendations for action were approved on the spot for implementation by the participating agencies. The remaining recommendations pend the outcome of several other ongoing studies in the Treasury Department, which are due to be finished by Christmas.

So we have a great deal to look forward to, I think, in improvements in our surveillance system, some which will come quickly as a result of recommendations that can be implemented without major new resources, some of which will take additional resources and, therefore, will take longer to make happen.

I might point out that one of the recommendations in the joint surveillance committee had to do with increasing support to the Customs Service in their efforts to acquire state-of-art technolgy for border inspections involving cargo in vehicles. This is not something where we just focused on the air smuggling problems. We look at air, land, and sea throughout.

NNBIS also strongly supports and works toward asset forfeitures that will provide a strong deterrent to both individuals and the commercial community and that includes the seizure of commercial carriers when the evidence is there to support it.

General Tice has already indicated to you the support being provided by the Defense Department, and I won't go into that in any greater detail except to say that we do feel that Defense is providing just superb assistance to us. And within the limits of the Posse Comitatus Act, the clarifications to that act that were passed by the Congress and the requirements of military readiness which are also cast into law, Defense is doing everything it possibly can for us.

The cooperation throughout, not only between the military and the civil law enforcement community, but between the parts of the military and parts of the civil law community, has been outstanding and I think it continues to improve on a day-to-day basis.

I'd be happy to answer any question you may have.

Senator ABDNOR. Thank you. The report indeed was very encouraging. We're looking forward to the opportunity to review the report itself. We have a feeling that it's going to show we've taken some proper steps and that some progress is going to continue.

In talking about the budgets, I know you don't originate or have any originating part in the budget itself, but I'm just curious. Do they seek your input? We're talking about budgets soon to be made up for 1986 and we're very interested in that. Will you be asked or will you have any input into what you would like to see in drug interdiction in the year ahead?

Captain SCHOWENGERDT. Yes, sir; the various agencies and departments keep the Office of the Vice President very well informed about what their budget requests are with respect to the narcotics interdiction area. We do not direct them in what they submit, but through the NNBIS coordinating board and executive board process, there is ample opportunity afforded for discussion, not only with the Office of the Vice President but across agency lines on some of the more difficult budget items.

Senator ABDNOR. Could Senator DeConcini and I, if necessary, maybe call upon you sometime when we——

Senator DECONCINI. We already did, Mr. Chairman. As you will recall, Captain Schowengerdt and Admiral Murphy on the 900 customs.

Captain SCHOWENGERDT. Yes, sir.

Senator ABDNOR. Senator.

Senator DECONCINI. Thank you, Mr. Chairman. First, let me compliment General Tice, not only just because you are here in front of us, General Tice, but because you have really brought a welcomed and most professional attitude to the Defense Department. I've been kicking around with this effort for a few years and I'm sure that the Defense Department is always interested in fighting drugs, but it just has never been one of their priorities, and thanks to you I really am pleased with the direction that the Defense Department has taken.

And I think it really deals with you being in the position you're in, being called back on active duty and willing to take this often unpopular position. I'm sure, trying to allocate some of these resources is difficult, and I'm most grateful and I believe law enforcement is.

I do have a couple of questions for the General. I understand, General, that Customs and Air Force get together regularly to talk about AWACS flights and how Customs might use these scheduled flights for drug detection and that even a customs officer is permitted to fly now on some of those flights, those training flights.

But I also understand that the published report of those regular scheduled training flights of the AWACS are widely circulated and available almost to everyone. And obviously, if that's true, the bad folks know the schedules. Is there some reason or has there been any consideration given to the confidentiality of these training flights that are also used for the Customs Drug Interdiction Program. Couldn't that be changed?

Lieutenant General TICE. It possibly could be changed. I think that the real challenge I think we have is that their physical presence and everybody knowing about them serves as a deterrent as opposed to identifying a specific hit and say that's a target that we can call an interdiction on. The flights are limited with the six missions a month, so the deterrence role probably is greater.

Senator DECONCINI. If they're known?

Lieutenant General TICE. If they're known. But that's something I'm willing to take a look at with the Air Force and with NNBIS.

Senator DECONCINI. It seems to me if I were a drug smuggler and I knew that AWACS was up there and I had access to the schedule, I would prefer not to try to fly in at that time. Maybe I'm thinking more than they think, but that would make common sense. And I'm wondering if there is some reason that they need to be published or made available?

Lieutenant General TICE. We can take a look at that.

Senator DECONCINI. Second, this committee approved $1,025,000 for operation and maintenance of two additional Blackhawk helicopters next year, which apparently have been promised to Customs by the administration and DOD. I'm told that one of them would probably be employed in the Southwest. Can you give us that status of these two additional Blackhawks and when Customs might be able to add them to their fleet?

Lieutenant General TICE. Senator, we have not received the normal followup from the Customs Service on the request for the additional Blackhawks. As you are aware, they already have four Cobras and four Blackhawks in their possession now.

Senator DECONCINI. So if you get the request, seeing that the money is available there, do you anticipate a problem or do you think that can be expedited, or is that too far ahead to make a projection?

Lieutenant General TICE. I think on this date I would defer the answer to that, sir.

Senator DECONCINI. Based on how well you have moved with getting the F–15 radar equipment, I'm optimistic.

I have one last question I'd like to ask.

Senator ABDNOR. May I ask one?

Senator DECONCINI. Yes, sir.

Senator ABDNOR. Just for my own curiosity on it, let's say that Customs made their request to you tomorrow. What would happen?

Lieutenant General TICE. The process would be that we would evaluate what impact that would have, because the Blackhawk is the current state-of-the-art helicopter in the current inventory of the U.S. Army. There would have to be an assessment by the Department of the Army as well as the Office of the Joint Chiefs of Staff as to whether additional aircraft could be made available and what impact that would have on our readiness.

Senator ABDNOR. In that particular vein, if you're unable to fulfill the request, might you suggest another type of helicopter of a lesser ability? I mean, do you do that sometimes, or do you turn down the whole request?

Lieutenant General TICE. To date I think we've worked together with the task force to see what would be the best option available to them, and I would not come before this committee and say that we would automatically turn down a request based on the fact that we have difficulty in manning our current force. But we would give it a proper evaluation and perhaps offer an alternative.

Senator ABDNOR. Thank you.

Senator DECONCINI. I have one, Captain Schowengerdt and General Tice. I have kind of a question that I pose more for your thought process. I don't have to have a comprehensive answer. But I'm very interested in this area and I have been working for a month or so now, and plan to in the next 4 or 5 months, I intend to lay some groundwork for introduction of legislation next year to amend the Posse Comitatus Act to allow more involvement of the Defense Department in our war on drugs.

And although DOD, and particularly your office, General Tice, has been super cooperative in providing assistance to civilian law enforcement agencies, I believe that DOD could do more, particularly with the tremendous defense buildup we have been going through and I anticipate we will continue to go through.

What I'd like to ask you, both of you, perhaps, if you're willing to do so, to help get me started on my legislation, if you can tell me two or three things that you earnestly believe that the DOD could do that it is currently not doing. I realize the propriety of this might be disadvantageous from the standpoint of the Secretary and I certainly understand that that would have to be cleared and what have you.

What I'm looking for is constructive suggestions of where the Department of Defense might provide even greater assistance, expedite assistance, to law enforcement with their resources, while of course, not interfering with the combat readiness. And I pose that more as a request that you might give some thought to that, both of you being military people, both of you obviously committed to this. I have some ideas and I'd like to discuss them with you at a different time. Perhaps we can expand this without interfering in our combat readiness.

My own priority is that this is truly a war that is a combat war right now. And we must be ready for any other kind of war, but I'd sure like to see us have even greater emphasis from the Department of Defense. I just hope that if you would be so kind—if you'd like to comment now, I'd like to have the answers now, of course. But if not, I'd sure welcome you submitting them to me.

Lieutenant General TICE. I would only make one overture on that, and that is unrelated to the drug problem, the Department of Defense has an ongoing day-to-day cooperation with all civilian law enforcement agencies. In fact, over the past year when the LECC's are meeting around the country, we have seen fit to provide representation there from my office or from the services to explain what might be available all the way from loaning infrared devices, M–16 rifles on a temporary basis. And even under the economy act on very short turnaround, we recently were able to use the National Guard C–130's to fly in biodegradable foam to Miami for possible riot control, and we were reimbursed for that and the city of Miami was glad to pay that.

I would suggest that I think that on a day-to-day basis, we have more requests than we're responding to at this time. We look to the National Narcotics Border Interdiction System to identify, where they have the complete knowledge of what's available within the Department of Defense, what resources that we can make available for them. We're kind of in the resource business.

I would just hesitate—and I don't think it would be in the best interests of our Nation—where uniformed people become involved with civilian apprehension, and I think that's for a good reason that that law basically has remained in existence for over 200 years.

Senator DECONCINI. Well, I somewhat tend to understand that. I'm not sure I agree with it, because we have such reluctance for even changing the Posse Comitatus Act like we did just 2 or 3 years ago; that we just can't hamper the defense capabilities and what have you. And quite frankly, I think, as I said, General, thanks to you and the willingness of the Defense Department to find solutions here, contrary to what has always been their posture, there is a real movement here with the P–3 and air interdiction.

And my thought is that there may be other areas without actually having the combat troops on the border. But I'm not too sure that that's not a possibility, of having some training missions on the border.

Lieutenant General TICE. Like the meeting that your staff had the other day, the idea of sitting down where we have some technical expertise, certainly in an advisory capacity, that probably can be expanded.

Senator DECONCINI. I'd like to see the Department of Defense have a strategy session on combating drugs just as they have a strategy session for other defense efforts and go through the process and the judgments that you go through as military people to help law enforcement. Then come up with some answers.

Lieutenant General TICE. That's kind of beyond my pay grade today, sir, but we'd be glad to take a look at that.

Senator DOMENICI. I think we're running behind and we have two more sets of witnesses. But I too want to commend you, General, for what you've done. I think we all agree that if we didn't get somebody like you in that spot, we would have been floundering around. Frankly, it has to do with the fact of the kind of person you are and the rank you hold. We have played around just too damn long without the quality of person and rank for a mission and that ended up with just excuses. At least at this point it's not excuses, but genuinely thought-out things. And you may not agree with us because you're military people, but at least we get the kind of answer that a general gets out of the military, not what we had for about 3½ years, from what I can remember.

Let me ask you, Nick. I think it's wonderful that we're going to have a surveillance assessment, threats assessment and that you are willing to tell us it's probably the best ever, none of which I disagree with. I agree that you probably will do that.

Now, I know it's not going to tell us that we can solve this problem consistent with America's commitment and its resources by just moving a few assets around. I know it isn't going to say that, and you're shaking your head in concurrence. It's going to tell us we need some more resources, human and material. I'm not talking about the task force, I'm talking about the overall commitment of the Federal Goverment, whether it's through Customs, DEA, FBI, and maybe the military. Because we're talking about surveillance and surely we need technology and equipment.

Does that assessment have a price tag and will it tell us, tell somebody, what's needed to get it done?

Captain SCHOWENGERDT. It has a range of price tags, yes, sir. There is a range of options, A through D in increasing price, depending on the level of interdiction effort that the Congress would like to pursue or the administration would like to pursue, depending on what stage of the budget process we're in. It's there.

Senator DOMENICI. I just want to, in a positive way, suggest this to you. Our Commissioner von Raab is here. He is going to testify shortly. John O'Neill, who is part of the DEA in the regional office, is going to testify. Clearly they're good troops. The Commissioner is a loyal ally of yours, and the Vice President's and the President's and does the job.

Frankly, I hope as the Vice President's representative that you will listen to them with reference to the fact that we can't have a bigger war on drugs flowing into our country and major cities with less customs officers and less FBI agents and less DEA people.

Draw whatever conclusions you like from it about the last 3 years. I don't care to argue over spilled milk. But clearly it isn't going to happen with less unless you've got some miraculous new technology of which none of us are aware. Because we need the technology too, and it doesn't come cheap. I speak only for myself. I think it's a terrible mistake to use that budget deficit and nickel-and-dime stuff on this issue because it is an illegitimate excuse. And I will tell the President that and I will tell Stockman that.

When we're looking at where we're spending our money and what's making that deficit go where it is, these kind of annual propositions for these kinds of things are not the problem. You don't have to agree, and I wouldn't expect you to, but I believe that.

Senator DeConcini. I agree with that and I'm glad to have the chairman of the Budget Committee once again say that publicly. He's done it on the floor of the Senate, and I'll tell you, it warms your heart.

Senator Domenici. Well, I hope we are. We don't have to go wild.

Senator DeConcini. Mr. Chairman, I suspect you will support Chairman Abdnor's and my addition to the budget next year.

Senator Domenici. Won't have any problem with me on that. Let's get this year's bill through. It's got some new money in it. Let's get on with it.

Senator DeConcini. It sure does.

Senator Abdnor. Gentlement, I want to add my appreciation to the work you're doing. It's been a great help; the task force in Florida and the Vice President's work, and we appreciate it. At least we're moving forward and that's what we wanted to do, and we want to keep moving as fast as possible. So thank you very much.

STATEMENT OF JOHN J. O'NEILL, JR., SPECIAL AGENT IN CHARGE, DENVER FIELD DIVISION, DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PREPARED STATEMENT

Senator Abdnor. Our next witness Senator Domenici already alluded to, John O'Neill, special agent in charge of drug enforcement of the Denver office. Happy to have you with us, Mr. O'Neill, and you may proceed.

Mr. O'Neill. It's a pleasure to be here, Senator.

Senator Abdnor. Your entire statement will be made a part of the record.

[The statement follows:]

STATEMENT OF JOHN J. O'NEILL, JR.

Senator Domenici, Mr. Chairman and Members of the Subcommittee: I am pleased to appear before you to discuss the drug smuggling threat to the Southwestern border as it pertains to New Mexico and the Drug Enforcement Administration's response to that threat.

The United States shares a common border of approximately 1,900 miles with the Republic of Mexico. It is across this border that the bulk of the drugs produced in or transshipped through Mexico enters the United States. Heroin, marijuana, cocaine and dangerous drugs are all entering the United States through our Southwest border.

The Southwestern United States, and New Mexico in particular, is conducive to air smuggling via private aircraft. The geographic proximity to the Republic of Mexico, coupled with the rural nature of the area, make both single and multi-engine aircraft smuggling attractive. With the exception of only a few areas, most airports in the state are not manned on a twenty-four hour a day basis, thereby facilitating smuggling activities involving established airports. In southern New Mexico alone, approximately one hundred (100) clandestine landing strips have been identified where potential air smugglers could off-load quantities of drugs.

Much of the activity, for example, involves single-engine aircraft with multi-hundred pound quantities of marijuana, landing at established airports after hours, clandestine airstrips, and due to sparsely populated areas throughout the State of New Mexico, even remote sections of highways become potential landing strips. Off-loading and transfer of the contraband is accomplished in a short period of time, thereby making detection more difficult. The enforcement activities of the South Florida Task Force have also impacted on this problem. Intelligence information indicates that larger loads of marijuana in multi-engine aircraft may be shifting westward into this area to avoid detection in the Florida area.

Two significant seizures of approximately 20,000 pounds each have occurred in New Mexico and El Paso, Texas within the past 18 months, each involving multi-engine aircraft which had apparently transited the Gulf of Mexico or the interior of Mexico to avoid interdiction.

In the early 1970's and until 1975, Mexican heroin accounted for approximately eighty percent of the entire U.S. market. This situation led to the institution of a major opium poppy eradication program and other initiatives in Mexico, so that by 1979 Mexican heroin availability accounted for less than one-third of the U.S. market. Historically, Mexico has been the primary source of heroin for the western United States and our nation is again experiencing an influx of high-purity Mexican heroin. By the end of 1983 this heroin supplied about 35 percent of the United States market, and is primarily concentrated in the Western United States and the Chicago metropolitan area. The increased supply is reflected in higher retail purities of Mexican-source heroin.

Mexico's two traditional smuggling routes terminate at the borders of California and Texas. It is here that most of the heroin seizures have been made. The movement of Mexican heroin to the U.S. remains largely restricted to vehicle smuggling and individual couriers.

Within the past 14 months, there have been two significant heroin seizures made in the State of New Mexico. In June 1983, 12½ pounds of heroin were seized near Las Cruces and in August 1983, 2 pounds were seized in Deming, New Mexico.

Seizures, arrests, and other intelligence tell us that Mexican trafficking networks have become more sophisticated and that a few major traffickers have developed strong organizational control over border trafficking. These organizations are predominantly family oriented. These multi-drug traffickers finance opium and cannabis cultivation as well as control laboratories which process dangerous drug and heroin production. They also manage a cadre of experienced smugglers, again, primarily family members, who transport the drugs across the border.

As with heroin, both the quantity and quality of Mexican marijuana entering the U.S. are increasing. Changes in growing patterns have resulted in the availability of large quantities of high-grade, sinsemilla-type marijuana for shipment to the U.S. Most of the marijuana comes across the border in land vehicles, however air smuggling across the New Mexico border is increasing. Cars, trucks, false beds and camper tops of pick-up trucks and even tanker trucks capable of moving thousands of pounds in a single journey are used for smuggling.

During the past year, both the rate and quantity of Colombian marijuana and cocaine seizures along the border have increased noticeably. While most of the Colombian marijuana seized in this area is entering through Texas, most of the cocaine encountered in this area is entering through Florida, and transiting New Mexico enroute to high consumer areas such as California.

In addition to heroin, marijuana and cocaine, there is a fourth drug trafficking threat to the New Mexico area, the clandestine production of controlled substances. This occurs at two separate and distinct levels within the distribution chain. The first is the manufacture of illicit drugs for shipment out of the State and the other for consumption within the State. The drugs are methamphetamine and P-2-P, a chemical precursor necessary in the production of methamphetamine, which is not available on the licit market. A portion of this illicit production is controlled or accomplished by organized outlaw motorcycle gangs such as the "BANDIDOS", "MISFITS", "PLAINSMEN", "DEVILS HENCHMEN", "VIETNAM BROTHERHOOD", and "THE OUTLAWS", all of which are active within the State of New Mexico.

In addition to marijuana being smuggled into the state, New Mexico is becoming a significant producer of domestic marijuana. In 1982 this state ranked seventh nationally, in terms of numbers of marijuana plants seized. While most of this is attributable to the seizure of one 50 plus acre marijuana field, the total number of fields has increased over the past four years. It is interesting to note that the 50 acre field destroyed by plowing under in 1982, now, in 1984, must be destroyed again. A volunteer crop of marijuana, as extensive as the original plantings has come up.

The Federal Government, and DEA as the principal drug enforcement agency, can meet the challenges presented by the trafficking situation I have just described. As an investigative agency, our efforts are directed at immobilizing major drug trafficking networks through the apprehension, conviction and punishment of traffickers, through the removal of their drugs from the illegal market, and through the forfeiture of their accumulated profits and assets. This is accomplished through a variety of approaches designed to respond to the unique requirements of the individual trafficking situations. DEA targets its resources at the highest level of the traffic, regardless of drug, so that our efforts will have a major impact in that area.

In pursuing these targets, we constantly strive to use all legal methods and techniques available and to tailor each approach to the investigation at hand. We use Special Enforcement Operations (SEOs) to focus extra resources and wider attention on especially high-impact investigations or unique trafficking situations. In a similar vein, we use Special Field Intelligence Programs (SFIPs) to ensure a flow of information from critical collection areas not covered by routine enforcement efforts. Intelligence provided from SFIPs is then used to identify or define the scope of a problem and support a follow-up enforcement operation. To support the SEOs, SFIPs and other operations along the Southwest border, DEA has aircraft and pilots stationed from the Gulf of Mexico to the Pacific Ocean. These aircraft fly the border and are used extensively in support of local operations. An example of these methods is Operation Pipeline.

During the latter part of 1983 and up to the present, the New Mexico State Police, the U.S. Border Patrol and the Drug Enforcement Administration have encountered a dramatic increase in cocaine seizures in the State of New Mexico. Cocaine primarily originating from South Florida is being transshipped across the United States, by motor vehicle, to the West Coast of California. The routes of travel, for the most part, are Interstate 40 and Interstate 10.

These routes have been referred to as the "cocaine pipeline". Since September 1983, a total of 52 "cocaine pipeline" cases from Interstates 10 and 40 have resulted in the seizure of 1,639 pounds of cocaine with a street value of $258,000,000. Also as a direct result of enforcement efforts directed against the "cocaine pipeline", approximately 95 pounds of heroin and $3 million have been seized. The cash will be forfeited to the State of New Mexico and to the United States Treasury. Several of the defendants arrested on the cocaine pipeline had significant ties to major cocaine cartels operating out of Colombia.

The increased law enforcement effort, along the "cocaine pipeline", within the State of New Mexico, has, we believe, severely reduced the cocaine traffic along this route. The success of the "cocaine pipeline" cases is an outstanding example of the results which can be obtained through cooperation by State and Federal agencies.

In an effort to assist other State law enforcement agencies in developing expertise in undertaking investigations relative to vehicle stops and possible cocaine courier profiles, Special Agents of the Drug Enforcement Administration and officers of the New Mexico State Police have trained officers from California, Texas, Louisiana, Mississippi, Arkansas and Florida.

The Drug Enforcement Administration works closely with, and provides training to State and local law enforcement agencies. This includes the exchange of information, working cooperative investigations, supporting State and local investigations with collateral investigations in other states, and providing financial and other assistance in the Domestic Marijuana Eradication Program.

The Drug Enforcement Administration's efforts to immobilize key trafficking organizations is joined by the FBI, the IRS, the U.S. Customs Service, the U.S. Coast Guard, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Marshal's Service and the Department of Defense. The recently formed Organized Crime Drug Enforcement Task Forces (OCDETF) have provided us with another important vehicle for coordinating high-level investigations and ensuring that all the resources of the Federal government are brought to bear on the drug problem. One of the OCDE Task Forces, the Southwest Border Task Force, is based in San Diego, with non-core city offices in Phoenix, Tucson, and Albuquerque. This Task Force has several major investigations in the southwest border area and has obtained impressive results.

In addition to the OCDETF Program, we have become actively involved in the Vice President's National Narcotics Border Interdiction System (NNBIS). The Customs Service and the Coast Guard are the primary Federal agencies tasked with the interdiction of narcotics. DEA provides the El Paso Intelligence Center (EPIC) with interdiction intelligence from both our domestic and overseas offices on drug smuggling into the United States. EPIC then disseminates this information to interested agencies. DEA, in turn, is responsible for the follow-up investigations of seizures made by them. Now, with the advent of NNBIS, we have increased our interdiction support role. We have assigned one intelligence analyst to each of the six NNBIS regional centers to facilitate intelligence exchange. Coordination with NNBIS in this area is accomplished through the El Paso Intelligence Center and the local El Paso DEA Office.

As you know, Senator Domenici, Mr. Chairman and Members of the Subcommittee, the drug problem along the Border and through New Mexico is a serious problem, and a direct threat to our national welfare. Traffickers continually change their methods and areas of trafficking. DEA attempts to meet this challenge by bringing to bear all the resources available, along with adapting our enforcement efforts to counter the changes by the traffickers. The Drug Enforcement Administration is committed to this effort and will welcome and respond quickly to the findings and recommendations surfaced by these hearings.

Thank you.

Mr. O'Neill. I'd like to summarize it, if I might. It's a pleasure for me to be here to talk about the drug smuggling threat to the Southwest border and particularly as it pertains to New Mexico.

New Mexico in particular is conducive to air smuggling via private aircraft. The geographic proximity to the Republic of Mexico coupled with the rural nature of the area make both single-engine and multiengine aircraft smuggling activity very prominent. I might add, as we are meeting here, there is a meeting being held in San Antonio, TX, with the Mexican Federal Judicial Police and DEA agents from the whole border area trying to develop some joint strategies.

Notwithstanding that, Mexico has been the primary source of heroin for the western part of the United States and we are again seeing an influx of high-purity Mexican heroin. By the end of 1983 about 35 percent of the U.S. market was dominated by Mexican heroin. We're also, as a result of seizures and arrests, we're seeing that the Mexican trafficking networks are becoming much more sophisticated and that there are smaller organizations with strong organizational control with cross-border trafficking, and these organizations are family oriented.

We're also seeing high-priority Mexican marijuana increasing in its crossing of the border into the United States. We also see an increase both in the rate and the quantity of cocaine and marijuana from Colombia crossing this border. Most of the cocaine is entering through Florida and then crossing by vehicle, but most of the marijuana is entering through Texas.

In addition there is a fourth drug trafficking threat to New Mexico that I think should be mentioned, and that's the production of clandestine controlled substances, and these for the most part we see are being controlled by the outlaw motorcycle gangs, particularly the Bandidos, the Misfits, Plainsmen, Devil's Henchmen, Vietnam Brotherhood, and the Outlaws, and they are all very, very active in the State.

In addition to smuggled marijuana, we have a very serious problem in this State with domestically produced marijuana, and that's causing a tremendous strain on State police resources, and it's something that we're going to have to deal with. We have been trying to, but we're going to have to do more, I think.

You heard mention several times of the Operation Pipeline. It was started by the New Mexico State police basically with traffic checkpoint stops along Interstate 40 and Interstate 10. There has been approximately 1,700 pounds of cocaine with a street value of $258 million seized as a result of that, 95 pounds of heroin and almost $3 million in cash seized.

The New Mexico State police, I think, should take tremendous pride in that achievement, and also take tremendous pride in the fact that that technology, if you want to call it that, has been exported to Arizona, California, Texas, Louisiana, Mississippi, Arkansas, and Florida, and we hope to be doing more with that in the near future, also.

Just one point that was mentioned. Mr. Lutz made reference to the fact that the DEA inspection in New Mexico had criticized our office in

Albuquerque for having a man assigned to an ad hoc task force. That criticism was reviewed by the agent in charge of Albuquerque and myself, and I want to tell you that man is still in that task force, the cases are still being made and we look to continue that.

I'd answer any questions you have.

Senator ABDNOR. This went through my mind when you said that the coke runs through Miami or Florida and then over this way. Why wouldn't they come right over Las Cruces, where we don't have any interdiction?

Mr. O'NEILL. They have been, Senator, and there have been stops made here both by the State plice and the border patrol.

Senator ABDNOR. We have most of that coming through the air?

Mr. O'NEILL. Yes, sir, by vehicles. I guess the organizations felt comfortable they were getting the——

Senator ABDNOR. They didn't have any trouble, so why change?

Mr. O'NEILL. They have changed. We've seen a definite shift in the character of the people that were transporting it. Originally they were Colombians and now we're getting U.S. citizens transporting. As we've applied the pressure, we've seen the traffickers adjust their methods.

Senator ABDNOR. Are you shorthanded in manpower?

Mr. O'NEILL. We've increased since the mid-1970's, when there was a heroin—a real tremendous heroin threat from Mexican sources, when Mexican heroin supplied 85, 90 percent of the American market. We've increased the staff in New Mexico from 5 agents, I believe, in 1973 to 17 in Albuquerque. We had an office in Las Cruces and we've maintained that strength. So we have increased our representation here in New Mexico.

Senator ABDNOR. Your cooperation and relationship between the United States and Mexico kind of fell off for awhile, is that right, and the cooperative stopping of drug traffic?

Mr. O'NEILL. I'm not really sure. I was in headquarters for awhile. I worked on that problem for awhile on our foreign desk, but I'm not really qualified to speak very, very expertly on Mexico, I will say, now. But with that meeting in San Antonio, we look for increased results.

Senator ABDNOR. I hope so. It's very important, I'm sure. Senator DeConcini.

Senator DECONCINI. Mr. Chairman, thank you.

Mr. O'Neill, I just have one question. I was looking at your statement here. On pages 5 and 7 of your statement you outline the various ways that the DEA provides drug intelligence support and investigative information to the State and local agencies, the interdiction agencies, so to speak, the El Paso Intelligence Center, EPIC, and NNBIS, regarding the drug threat in this particular geographic area.

Yet the latest NNBIS Southwest regional threat assessment, of 1984, concludes EPIC receives, quote, "virtually no reporting from the New Mexico border area," and, further quote, "with such little reporting to EPIC or NNBIS from the New Mexico border area, it is difficult to assess the drug smuggling threat," end of quote.

Maybe you can reconcile with me the NBIS report on the drug threat information with your testimony that drug intelligence is getting into the hands of drug enforcement agents in the Southwest. I find it really difficult here to get handle on whether or not there really is a shift here. I think there is, but I don't know. You say yes, there is. You say you got all kinds of information here, and yet the Southwest regional threat assessment says they don't get any.

Maybe you can reconcile that.

Mr. O'NEILL. What's the date of the report, Senator?

Senator DECONCINI. It came out just prior to the hearing.

Mr. O'NEILL. I haven't seen that.

Senator DECONCINI. It's the National Narcotics Border Interdiction System, Southwest regional report, threat assessment, 1984.

Mr. O'NEILL. I haven't seen the report.

Senator DECONCINI. Maybe I can give you a copy and you can respond to me. Maybe it's inaccurate. I'm not saying that this is accurate, but I have a feeling they've spent a lot of time trying to put this together and it's a little bit different than what your statement is.

Mr. O'NEILL. I can tell you in terms of air smugglers that anytime we have any information on air smugglers, that's immediately entered into EPIC and that's provided to all the appropriate authorities.

Senator DECONCINI. Are you sure that EPIC disseminates that information?

Mr. O'NEILL. If we would get a hot plane here in Las Cruces, that goes into EPIC, and Customs is there, Coast Guard is there, everybody else is there. That information is also shared with the State police and the local authorites.

Senator DECONCINI. That information, if that airplane happens to be heading west toward Arizona, does the Arizona Department of Public Safety get it eventually?

Mr. O'NEILL. I'm not sure about the Arizona Department of Public Safety, but I can tell you that DEA, Customs in Arizona are put on distribution. I get tables from Tucson, San Diego, from Calexico.

Senator DECONCINI. The only thing I ask—and I don't do this to embarrass. I'd like you to look at it.

Mr. O'NEILL. I certainly will.

Senator DECONCINI. There is a discrepancy, and I only suggest you personally, look at EPIC to see that that dissemination occurs. Because a lot of law enforcement people have told me they don't think it occurs. They may be just a little paranoid or upset.

Thank you, Mr. O'Neill.

Mr. O'NEILL. I'll check that.

Senator DECONCINI. Appreciate it.

Senator DOMENICI. I have one line of questioning. While I know that much of the narcotics that we're concerned about are not necessarily indigenous to the physical boundary of Mexico. While we're looking at the skies there could be a whole new approach of physical movements—people and animals—across our southern border. Although I don't know an awful lot about animals, we are moving a lot of cows and heifers and the like from Mexico this way.

Have we considered that when air surveillance gets too tough, they'll just transport illegal narcotics in normal movements of human beings, livestock, and the like?

Mr. O'NEILL. We see a lot of the heroin coming into New Mexico from Mexico is coming across the land border by vehicles and by people just trying to walk across the border. Marijuana mainly comes in through airplane, so that is being addressed right now. And again, it will be part of that agenda that DEA is meeting with the Mexican police, and that is a substantial part of the discussions.

Senator DOMENICI. Was it a surprise to you that the State police by just taking the two main interstates and stopping vehicles and searcing them would have the degree of success that they did?

Mr. O'NEILL. Yes; it was. The other thing that I might say in regards to those stops, we try to work them both ways, back toward the sources in Florida and then to the ultimate customers in the different areas. We've had controlled deliveries to California, to Nevada, to Wisconsin. And again, the State police did a terrific job in acting very, very quickly, notifying us very, very quickly.

As you've heard today, one of those seizures led to a seizure in Tallahassee of 697 pounds of cocaine. Another led to the arrest of a former vice-consul of Guatemala in Los Angeles. So they have been very, very significant cases DEA-wide. Probably after what's happening in Colombia in terms of cocaine, I've been told it's the second best thing DEA has going.

Senator DOMENICI. I have not further questions. Thank you very much.

Senator ABDNOR. Thank you, Mr. O'Neill.

Mr. O'NEILL. My pleasure, Senator.

Senator ABDNOR. We appreciate your participation in the hearing. You made a great contribution. Thank you.

STATEMENT OF WILLIAM VON RAAB, COMMISSIONER, U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

ACCOMPANIED BY:

TIM MILHOUSE, DIRECTOR OF CUSTOMS AIR WING, TUCSON, AZ
MANNY NAJERA, SOUTHWEST DISTRICT DIRECTOR, EL PASO, TX, U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY
JIM WAIT, SOUTHWEST DISTRICT DIRECTOR, NOGALES, AZ, U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

Senator ABDNOR. Out last witnesses, who we've saved to the end, are William von Raab, our Commissioner of Customs, who has come all the way from Washington, Tim Milhouse, who is Director of Customs' air wing, and Manny Najera, who is the Customs district director.

Mr. VON RAAB. And also Jim Wait is here. I'll introduce them.

Senator ABDNOR. Thank you.

Senator DeConcini. Mr. Chairman, I have to leave right at the best part of the program—Tim Milhouse from Tucson, AZ, and Commissioner von Raab, who is doing an outstanding job, in my opinion. I regret not being here. I read the laudatory things Mr. von Raab said about me and I want to thank you for those, and certainly compliment the rest of the Customs people who are here, and particularly Mr. Milhouse, for the oustanding work they are doing in preparation for the P-3.

And I regret I have to leave and not listen to all your testimony. I have some questions for the record, but I want to thank you.

Senator Domenici. Thanks for coming.

Senator DeConcini. I'll listen for a little bit.

Mr. von Raab. Thank you very much for inviting me to appear. I want to express my appreciation particularly for Senator Domenici here having provided the inspiration for these hearings in New Mexico. It's a lot more pleasant here than it is in your office buildings in Washington. So anytime you want me in New Mexico, I'm happy to come.

With me, in order to give you an opportunity to have access to all of the senior Customs officials who are responsible for not only New Mexico specifically but the general area, are those officials. At my left is Tim Milhouse, who is the head of our western air operations, and basically he's responsible for all of our air operations west of the Mississippi River. As you know, we've centralized the Air Program and he has got half of the Air Program.

At my immediate right is Jim Wait, who is in El Paso, and he's not only the head of our patrol and investigators for the New Mexico and west of the Pecos area, but perhaps more importantly to this committee, he is the regional coordinator for NNBIS for the area running from Brownsville to the border of California. As you can see, we all wear various hats.

And then at my far right is Manny Najera, who is the district director who is responsible for not only the commercial operations of the Customs Service in New Mexico, but also for a significant part of the enforcement operations as they would be seen actually in the ports of entry.

PREPARED STATEMENT

And I have a long statement, but I will reduce it to some degree as I proceed through it, if that's permissible.

Senator Abdnor. Sure. The entire statement will be made part of the record.

[The statement follows:]

Statement of William von Raab

I WOULD LIKE TO TAKE THIS OPPORTUNITY TO THANK THE COMMITTEE AND SENATOR DOMENICI FOR HOLDING THIS HEARING HERE IN LAS CRUCES AND FOR INVITING ME TO APPEAR AS A WITNESS TODAY.

AS A FEDERAL LAW ENFORCEMENT OFFICIAL, I CONSIDER THIS HEARING TO BE AN EXCELLENT OPPORTUNITY TO HELP BETTER INFORM THE AMERICAN PEOPLE ABOUT THE NATURE AND EXTENT OF THE SERIOUS NARCOTICS SMUGGLING THREAT WE ARE FACING.

I AM ESPECIALLY DELIGHTED TO BE HERE TODAY BECAUSE I WOULD BE HARD PRESSED TO NAME A PANAL MORE DISTINGUISHED OR MORE COMMITTED IN THEIR RESOLVE TO ADDRESS THIS PROBLEM, THAN THAT WHICH I AM APPEARING BEFORE TODAY.

I BELIEVE THAT I CAN SPEAK FOR ALL OF MY COLLEAGUES -- NOT JUST AT CUSTOMS, BUT AT THE OTHER LAW ENFORCEMENT AGENCIES AS WELL, WHEN I SAY THAT WE ARE EXTREMELY GRATEFUL TO YOU SENATOR DOMENICI, FOR YOUR SUPPORT OF OUR LAW ENFORCEMENT ACTIVITIES AND FOR THE SUPPORT OF YOUR VISITING COLLEAGUES SENATORS ABDNOR AND DECONCINI.

TO THOSE OF US THAT ARE, IN ONE WAY OR ANOTHER, CHARGED WITH MANAGING THE WAR ON DRUGS, THAT SUPPORT IS VERY REAL AND MEANINGFUL-- TO THOSE OFFICERS WHO ARE ON THE FRONT LINE IT IS CRUCIAL -- AND TO THE AMERICAN PEOPLE, WHETHER THEY REALIZE IT OR NOT, IT IS VITAL.

SENATOR ABDNOR, AS CHAIRMAN OF OUR PRINCIPLE OVERSIGHT COMMITTEE IN THE U.S. SENATE, NO ONE COULD ASK FOR MORE, THAN

YOUR EXPERIENCED GUIDING HAND AND YOUR ABLE AND FAIR LEADERSHIP... AND SENATOR DECONCINI, YOUR ACTIVITIES HAVE EARNED YOU THE TITLE OF "FATHER OF U.S. CUSTOMS SERVICE AIR INTERDICTION PROGRAM." SENATOR DOMENICI, AS CHAIRMAN OF THE IMPORTANT SENATE BUDGET COMMITTEE AND AS A MEMBER OF THE DRUG ENFORCEMENT CAUCUS AND SENATE BORDER CAUCUS YOUR LONGSTANDING ROLE IN SUPPORT OF LAW ENFORCEMENT HAS BEEN WITHOUT EQUAL.

AGAIN -- ALL OF US IN THE FEDERAL LAW ENFORCEMENT COMMUNITY ARE GRATEFUL -- INDEED THANKFUL, FOR THE COOPERATION AND SUPPORT WE HAVE RECIEVED FROM THE MEMBERS PRESENT HERE TODAY.

THAT SUPPORT HAS ENABLED US TO DO A FAR BETTER JOB IN OUR EFFORTS TO COMBAT THE ENORMOUS PROBLEMS OF DRUG ABUSE AND NARCOTICS SMUGGLING. AND MAKE NO MISTAKE ABOUT IT -- THE PROBLEMS WE FACE IN THIS AREA ARE ENORMOUS, BY ANYONE'S STANDARDS.

IN PREPARING FOR THESE HEARINGS, I TRIED TO THINK HOW I WOULD BEST DESCRIBE THE WORLD OF DRUG SMUGGLING AND NARCOTICS ABUSE -- AND I WAS STRUCK BY THE THOUGHT, THAT IN MANY RESPECTS IT HAD TO BE ONE OF CLOSEST THINGS TO A REAL "HELL ON EARTH" -- BECAUSE TO DESCEND INTO THE WORLD OF NARCOTICS ABUSE AND DRUG SMUGGLING, IS TO DESCEND INTO A WORLD WHERE ONE IS SURROUNDED BY EVIL, -- SUFFERING AND ANGUISH. IT'S A WORLD IN WHICH FAMILIES ARE DESTROYED AND LIVES AND SOULS ARE LOST. TRAGICALLY, IT IS A WORLD INHABITED BY FAR TOO MANY VICTIMS -- AND SADLY, TOO MANY AMERICANS ARE STILL OBLIVIOUS TO THE SERIOUS THREAT POSED TO OUR SOCIETY BY THIS GREAT EVIL.

OF COURSE NO ONE INDIVIDUAL OR GOVERNMENT AGENCY ALONE HAS THE ANSWER TO ALL OF THESE PROBLEMS -- HOWEVER, THE U.S. CUSTOMS SERVICE IS FIGHTING BACK -- AND IN THE REAL WORLD OUR ROLE IS TO TRY AND INTERDICT THE VAST QUANTITIES OF ILLEGAL DRUGS WHICH VARIOUS CRIMINAL ORGANIZATIONS ARE TRYING TO SMUGGLE INTO OUR COUNTRY.

IN THAT REGARD WE FACE A SIGNIFICANT THREAT ALONG OUR LAND BORDERS, AS WELL AS IN THE AIR AND ON THE HIGH SEAS. HEROIN, MARIJUANA AND COCAINE ARE ALL SMUGGLED INTO THIS NATION IN LARGE QUANTITIES, -- IN WHAT HAS BECOME A MULTI-BILLION DOLLAR CRIMINAL ENTERPRISE.

OF PARTICULAR INTEREST IN THIS PART OF THE COUNTRY, IS OUR MOST RECENT THREAT ANAYLSIS, COMPILED FROM CUSTOMS OWN INTELLIGENCE DATA, AS WELL AS OTHER FEDERAL, STATE AND LOCAL SOURCES, INDICATING THAT A SIGNIFICANT INCREASE OF OPIUM POPPY CULTIVATION IN MEXICO IS UNDERWAY, AND STARTED TO IMPACT THE UNITED STATES DURING THE SUMMER OF THIS YEAR. THERE IS NO DOUBT IN OUR MINDS THAT THIS OPIUM PRODUCTION CAN BE TRANSLATED INTO A POTENTIAL INCREASED AVAILABILITY OF HEROIN ON AMERICAN STREETS.

IN 1983, MEXICO'S OPIUM CROP WAS ESTIMATED AT 17 METRIC TONS, MOST OF WHICH WAS PROCESSED INTO APPROXIMATELY 3,700 POUNDS OF HEROIN. OUR BEST INTELLIGENCE SOURCES INDICATE THE 1984 CROP WILL BE EVEN BIGGER. THIS INCREASE CAN BE ATTRIBUTED TO A COMBINATION OF FACTORS, INCLUDING MEXICAN GROWERS USING BETTER FARMING METHODS, IMPROVED CULTIVATION EQUIPMENT, AND DISPERSAL OF THEIR FIELDS INTO SMALLER PARCELS

MAKING THEM HARDER TO DETECT AND DESTROY BY THE MEXICAN AUTHORITIES.

THE PURITY OF MEXICAN HEROIN APPEARS TO BE INCREASING, AS EVIDENCED BY THE SEIZURES WE HAVE MADE THUS FAR IN 1984. WHILE NOT COMPLETELY SUBSTANTIATED, IT HAS BEEN REPORTED THAT MEXICAN TRAFFICKERS ARE IMPORTING EUROPEAN CHEMISTS WHO ARE MORE SOPHISTICATED IN THE PROCESSING PROCEDURES. THIS WILL CERTAINLY IMPROVE THE QUALITY OF MEXICAN HEROIN AND ESCALATE THE STREET VALUE PROPORTIONATELY.

DRUG TRAFFICKING ROUTES ALONG THE SOUTHWESTERN BORDER TO THE UNITED STATES ARE WELL ESTABLISHED AND HISTORIC. THEREFORE, WE MUST ASSUME THE METHODS OF TRANSPORTING THE DRUG WILL ALSO CONTINUE TO BE VIA PORTS OF ENTRY, LIGHT AIRCRAFT AND IN CARGO SHIPMENTS.

THE STATES OF NEW MEXICO, ARIZONA AND TEXAS, ALSO CONTAIN LARGE EXPANSES OF UNINHABITED TERRAIN, WHERE THERE ARE NUMEROUS AIR CORRIDORS AND LAND-CROSSING POINTS BETWEEN UNITED STATES LEGAL PORTS OF ENTRY.

ADDITIONALLY, MEXICO IS BEING MORE UTILIZED AS A TRANSSHIPMENT POINT, FOR COCAINE TRAFFIC. THIS IS BEST EVIDENCED BY THE MOST RECENT SEIZURE NEAR YOUNG, ARIZONA, WHERE 1,680 POUNDS OF PERUVIAN COCAINE WAS INTERDICTED THROUGH JOINT EFFORTS OF THE CUSTOMS SERVICE AND THE ARIZONA DEPARTMENT OF PUBLIC SAFETY. THE AIRCRAFT WHICH ATTEMPTED TO SMUGGLE THESE DRUGS INTO THE UNITED STATES WAS A MID-RANGE TWIN-ENGINE CRAFT NOT CAPABLE OF A DIRECT FLIGHT TO SOUTH AMERICA AND RETURN. THEREFORE, MEXICO, HAD TO BE THE PROBIBLE REFUELING POINT, OR A POSSIBLE LOADING SITE FOR THE DRUGS WHICH WERE BROUGHT NORTH VIA ANOTHER METHOD OR CONVEYANCE.

WHILE THIS IS A SINGLE INTERDICTION, FOR CUSTOMS IT FITS INTO A PATTERN OF LIGHT AIRCRAFT LANDING JUST LONG ENOUGH TO OFF-LOAD ILLICIT DRUGS TO WAITING GROUND CREWS IN REMOTE AREAS OF THE UNITED STATES AND THEN RELANDING AT LEGAL AIRFIELDS, EMPTY AND READY FOR CUSTOMS EXAMINATION.

CASES SUCH AS THESE ARE INDICATIVE THAT AS WE INCREASE OUR EFFECTIVENESS AND PRESSURE IN THE HIGH THREAT SOUTH FLORIDA AND GULF COAST AREAS, THE SMUGGLING COMMUNITY WILL AGAIN TURN THEIR ATTENTION TO THE REMOTE AREAS OF OUR SOUTHWESTERN STATES.

THIS IS FURTHER EVIDENCED BY THE INCREASING NUMBER OF RADAR TARGETS ACQUIRED THROUGH OUR MUTUAL EFFORTS WITH FAA AND THE MILITARY FLIGHT OPERATIONS IN THIS AREA. EVERY REPORTED DETECTION IS LOGGED AND UTILIZED TO ENHANCE OUR DATA BASE TO SHOW TRANSITING PATTERNS, OR ACTIVE ROUTES. WE CAN THEN UTILIZE THIS INTELLIGENCE TO DEPLOY OUR OWN TACTICAL ENFORCMENT RESOURCES TO THE PROPER AREA AND THE BEST POSSIBLE TIME.

TO COMBAT THE INCREASED SMUGGLING THREAT WE FACE, CUSTOMS HAS HAD TO BECOME MORE RESOURCEFUL AND INNOVATIVE IN OUR APPROACH TO THIS PROBLEM. OVER THE LAST THREE AND A HALF YEARS NARCOTICS ENFORCEMENT HAS BEEN REESTABLISHED AS THIS AGENCIES NUMBER ONE PRIORITY. WE JOINED WITH DEA AND OTHER AGENCIES TO FORM ANTI-DRUG TASKS FORCES, FIRST IN SOUTH FLORIDA AND NOW IN TWELVE OTHER REGIONS OF THE COUNTRY. THREE AND A HALF YEARS AGO THESE COMBINED EFFORTS DID NOT EXIST.

WITHIN OUR LEVEL OF RESOURCES, WE MODIFIED OUR ENFORCEMENT STRUCTURE, AND ELIMINATED ADMINISTRATIVE POSITIONS WHERE POSSIBLE, WHICH ALLOWED US TO INCREASE THE NUMBER OF CUSTOMS SPECIAL AGENTS AVAILABLE TO COMBAT NARCOTICS.

IN OUR MARINE AND AIR INTERDICTION PROGRAMS NEW STRATEGIES AND TACTICS HAVE BEEN DEVELOPED. AND WITH THE LEADERSHIP AND SUPPORT OF THOSE MEMBERS PRESENT, SIGNIFICANT NEW RESOURCES IN THOSE AREAS HAVE BEEN ACQUIRED -- AND WILL CONTINUE TO BE ACQUIRED IN THE FORSEEABLE FUTURE.

AGAIN, WITH YOUR ACTIVE SUPPORT, LEGISLATIVE CHANGES HAVE BEEN IMPLEMENTED, WHICH GREATLY ENHANCE OUR ABILITY TO APPREHEND AND DETER DRUG SMUGGLERS. THE CHANGES TO "THE POSSE COMITATUS" STATUTES SERVE AS A PERFECT EXAMPLE. THESE LEGISLATIVE CHANGES, FOR THE FIRST TIME, HAVE ALLOWED OUR MILITARY FORCES AND EQUIPMENT TO BE UTILIZED IN THE WAR AGAINST DRUGS, -- WITH ENCOURAGING SUCCESS.

THE DRUG SMUGGLING THREAT IS FLUID AND OFTEN CHANGES DEPENDING ON A WIDE VARIETY OF CIRCUMSTANCES -- INCLUDING THE EFFECTIVENESS OF OUR ENFORCEMENT ACTIVITES. THAT IS WHY GREATER ATTENTION IS BEING PAID TO THE COLLECTION AND EVALUATION OF INTELLIGENCE DATA, AND THE CONDUCTING OF SPECIAL ENFORCEMENT OPERATIONS.

FOR EXAMPLE, BASED ON THE ESTABLISHED THREAT AND INCREASED ACTIVITY WE ARE ESTABLISHING ASSIST UNITS (AIR SMUGGLING INVESTIGATIVE SUPPORT TEAMS) WITHIN OUR OFFICE OF ENFORCEMENT. EMPLOYEES WILL BE ASSIGNED TO AUGMENT AIR OFFICES FOR SPECIFIC PERIODS OF TIME OR PROGRAM DURATIONS, TO GATHER

INFORMATION ON LANDING SITES, BOTH LEGAL AND CLANDESTINE STRIPS, RESPOND TO LANDING SITES DURING AIR INTERDICTION ACTIONS, AND FURTHER ENHANCE THE INTELLIGENCE DATA BASE ON AIR SMUGGLING IN THIS AREA. AN ADDED BENEFIT IN THIS ENFORCEMENT CONCEPT IS THAT IT WILL FREE UP MORE TIME WHICH OUR AIRCREW MEMBERS CAN SPEND ON ACTUALLY LAUNCHING AND TRACKING SUSPECT AIRCRAFT.

ANTI-SMUGGLING INTERDICTION UNITS (ASIU'S) AND ASISTS ARE BEING DEVELOPED AS WE SPEAK TODAY, AND WILL CONCENTRATE ON THE MEXICAN HEROIN THREAT IN THIS AREA. THEY WILL IDENTIFY AND TARGET MAJOR NARCOTICS TRAFFICKERS IN ORDER TO DETERMINE THE METHODS BY WHICH THEY SMUGGLE DRUGS INTO THE UNITED STATES, AND THEN DEPLOY RESOURCES FOR THE PURPOSE OF INTERDICTING SUCH ATTEMPTS.

EVEN WHEN TARGETED SUSPECTS ENTER THE UNITED STATES THROUGH NORMAL CUSTOMS EXAMINATION AND CLEARANCE PROCESSES, ASIU TEAMS MAY MOUNT SURVEILLANCE ON THEM AWAY FROM THE CUSTOMS AREA, WITH DEA'S SUPPORT UNTIL THEIR INNOCENCE OR CULPABILITY CAN BE ESTABLISHED. THIS CAN BE ESPECIALLY IMPORTANT WHEN TRAFFICKERS ARRANGE TO MEET THEIR DRUG COURIERS AFTER THEY'VE BOTH BEEN PROCESSED AND CLEARED BY CUSTOMS INSPECTORS.

MANY CUSTOMS PORTS OF ENTRY IN MANY PARTS OF TEXAS, ARIZONA, AND NEW MEXICO ARE REMOTELY LOCATED. BASED UPON INTELLIGENCE AND ESTABLISHED PROFILES ASIU'S WILL BE UTILIZED TO SUPPORT THE PERMANENT STAFFING AT SUCH ENTRY POINTS FOR SPECIAL OPERATIONS, OR PERIODS OF CONCENTRATED ENFORCEMENT EFFORT.

WE ARE ALSO IMPLEMENTING A SYSTEM WHERE THE ENTIRE SOUTHWESTERN BORDER WILL BE BROKEN INTO 40 MILE SEGMENTS AND CODED. EVERY REPORTED CROSSING WILL BE LOGGED ACCORDING TO ITS LOCATION WITHIN THIS SYSTEM. THESE RECORDS ARE THEN ROUTINELY REVIEWED FOR INDICATIONS OF ANY CONCENTRATED ACTIVITY. WHEN INDICATIONS ARE SUCH THAT A PARTICULAR SECTION OF THE BORDER IS BEING HEAVILY UTILIZED WE CAN CONCENTRATE ON THAT PORTION, VIA A SPECIAL ENFORCEMENT OPERATION OR INTENSIFIED ACTIVITY, EMPLOYING THE SUPPORT AND COOPERATION OF ALL CUSTOMS ELEMENTS AS WELL AS OTHER FEDERAL, STATE AND LOCAL AGENCIES. AS YOU CAN VISUALIZE, A 40 MILE SECTION OF THE AMERICAN-MEXICAN BORDER IS MUCH EASIER ON WHICH TO CONCENTRATE THAT THE ENTIRE 1,900 MILES.

AT THIS MOMENT THE CUSTOMS SERVICE IS ALSO PREPARING AN INTENSIVE HEROIN INTERDICTION PROGRAM THAT WILL CENTER IN PART IN THE STATES OF NEW MEXICO, ARIZONA AND TEXAS. WHILE WE PLAN TO AUGMENT OUR STAFF FOR THIS EFFORT, WE MUST CALL UPON THE STATE AND LOCAL AUTHORITIES TO JOIN WITH US IN THIS VITAL TASK, AND WELCOME THEIR INPUT, BOTH IN PRODUCING INTELLIGENCE, INFORMATIONAL DATA, AND THE DETECTION, TRACKING AND INTERDICTION OF SUSPECT AIRCRAFT, VEHICLES AND PERSONS.

IN THE SOUTHWEST IN PARTICULAR, BECAUSE OF THE REMOTENESS AND NUMBER OF SQUARE MILES INVOLVED, A GREAT DEAL OF RELIANCE IS PLACED ON THE MUTUAL SUPPORT WE CAN GET FROM STATE AND LOCAL AGENCIES.

WE COOPERATE AND VERY CLOSELY COORDINATE OUR ACTIVITIES WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES, AND IN THIS RESPECT, I WOULD LIKE TO TAKE A FEW MOMENTS TO MENTION THE

OUTSTANDING MANNER AND PROFESSIONALISM OF THESE FELLOW OFFICERS.

AS AN EXAMPLE, NEW MEXICO AUTHORITIES HAD A SPECIAL OPERATION ON HIGHWAY 40 THAT RESULTED IN 61 SEIZURES TOTALING NEARLY 1,000 POUNDS OF COCAINE ENROUTE TO CALIFORNIA. MORE IMPORTANTLY, THROUGH DEBRIEFING OF SUPSECTS, THEY GAVE CUSTOMS INFORMATION THAT LED TO A SEIZURE OF 368 POUNDS OF COCAINE IN TALAHASSEE, FLORIDA.

GENTLEMEN, THIS IS BUT ONE EXAMPLE, BUT I HOPE IT EXPRESSES THAT SINCERITY WITH WHICH WE IN THE CUSTOMS SERVICE APPLAUD THE COOPERATION AND COORDINATION OF THESE STATE AND LOCAL LAW ENFORCEMENT OFFICERS. WE REALIZE THE TITLE ON THEIR BADGES MAY READ NEW MEXICO, ARIZONA OR TEXAS, BUT THEY HAVE CERTAINLY PROVED THE TITLE INCLUDES CUSTOMS AS WELL, BECAUSE OF THE MANNER IN WHICH THEY HAVE HELPED TO STEM THE FLOW OF DRUGS, ENTERING OUR COUNTRY, -- AND I SALUTE THEM.

DUE TO THE FACT THIS COMMITTEE ALSO COMPRISES MEMBERS WITH A GREAT INTEREST IN THE POSTAL SERVICE, I WOULD LIKE TO TO MENTION A PROBLEM THAT MAY WELL REQUIRE CONGRESSIONAL INVOLVEMENT AND/OR A NEGOTIATED TREATY WITH MEXICO.

THE INTERNATIONAL MAIL FACILITIES, IN WHICH CUSTOMS PERSONNEL SCREEN AND EXAMINE MAIL, ARE LIMITED, AND OF NECESSITY CONCENTRATED IN THOSE AREAS WHERE THE BIGGEST QUANTITY OF INTERNATIONAL MAIL ENTERS, SUCH AS NEW YORK, SAN FRANCISCO AND LOS ANGELES. HOWEVER, MAIL PACKAGES DO ENTER THIS COUNTRY ON A DAILY BASIS FROM MEXICO AND LATIN AMERICA THROUGH SUCH PORTS OF NOGALES AND EL PASO. IF WE COULD SEND A

CUSTOMS EXAMINER INTO MEXICO ONCE A DAY TO PRE-SCREEN MAIL, IT WOULD NOT ADVERSELY DISRUPT THE FLOW OF INTERNATIONAL MAIL, BUT WOULD SIGNIFICANTLY INCREASE OUR CHANCES OF INTERDICTING DRUGS SMUGGLED INTO THE UNITED STATES VIA THIS AVENUE.

GENTLEMEN, I AGAIN THANK YOU FOR THE OPPORTUNITY TO ADDRESS THIS COMMITTEE, AND WHILE MY OPENING COMMENTS HAVE BEEN BRIEF, I HOPE I HAVE CLARIFIED FOR YOU THE THREAT WE PERCEIVE FOR THIS AREA OF THE COUNTRY, AND GIVEN YOU AN OVERVIEW OF WHAT WE IN THE CUSTOMS SERVICE ARE ATTEMPTING TO DO IN HALTING THE FLOW OF DRUGS INTO OUR COUNTRY.

I WOULD NOW BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

Mr. von Raab. I believe that I can speak for all of my colleagues, not just at Customs but at the other law enforcement agencies as well, when I say that we're extremely grateful to you, Senator Domenici, for your support of our law enforcement activities and for the support of your visiting colleagues, Senators Abdnor and DeConcini. To those of us that are in one way or another charged with managing the war on drugs, that support is very real and meaningful. To those officers who are on the front lines, it's crucial, and to the American people, it is vital.

Senator Abdnor, as chairman of our principal oversight committee in the U.S. Senate, no one could ask for more than your experienced guiding hand and your able and fair leadership. And Senator DeConcini's activities have truly earned him the title of father of the U.S. Customs Service Air Interdiction Program.

Senator Domenici, as chairman of the important Senate Budget Committee and as a member of the Senate drug enforcement caucus and Senate border caucus, your longstanding role in support of law enforcement has been without equal. Again, all of us in the Federal law enforcement community are grateful, indeed, thankful, for the cooperation and support we have received from the members present here today. That support has enabled us to do a far better job in our effort to combat the enormous problems of drug abuse and narcotics smuggling.

And make no mistake about it, the problems we face in this area are enormous by anyone's standards. Of particular interest in this part of the country is our more recent threat analysis compiled from Customs' own intelligence data, as well as other Federal, State, and local sources, indicating that a significant increase of opium poppy cultivation in Mexico is underway and has started to impact the United States during the summer of this year.

There is no doubt in our minds that this opium production can be translated into a potential increased availability of heroin on American streets. In 1983 Mexico's opium production crop, was estimated at 17 metric tons, most of which was processed into approximately 3,700 pounds of heroin. Our best intelligence sources indicate that the 1984 crop will be almost twice as big. This increase can be attributed to a combination of factors, including Mexican growers using better farming methods, improved cultivation equipment, and dispersal of their fields into smaller parcels, making them harder to detect and destroy by Mexican authorities.

The purity of Mexican heroin also appears to be increasing, as evidenced by the seizures we have made thus far in 1984. While not completely substantiated, it has also been reported that Mexican traffickers are importing European chemists, who are more sophisticated in processing procedures. This will certainly improve the quality of Mexican heroin and escalate the street value proportionately.

Drug trafficking routes along the southwestern border to the United States are well established and historic. Therefore, we must assume the methods of transporting the drug will also continue to be via ports of entry, light aircraft, and in cargo shipments.

Additionally, Mexico is now being utilized more often as a transshipment point for cocaine traffic. This is best evidenced by the recent seizure near Young, AZ, where 1,600 pounds of Peruvian cocaine was interdicted through joint efforts of the Customs Service and the Arizona Department of Public Safety. While this is a single interdiction, for Customs it fits into a similar pattern of light aircraft landing just long enough to offload illicit drugs to waiting ground crews in remote areas of the United States and then relanding at legal airfields empty and ready for Customs examination.

Cases such as this are indicative that as we increase our effectiveness and pressure in the high-threat south Florida and Gulf Coast areas, unfortunately the smuggling community will again turn their attention to the remote areas of our southwestern States.

This is further evidenced by the increasing number of radar targets acquired through our mutual efforts with FAA and the military flight operations in this area. Every reported detection is logged and utilized to enhance our data base to show transiting patterns or active routes. They can then utilize the intelligence to deploy our own tactical enforcement resources to the proper area and the best possible time.

The Customs Service is preparing an intensive Heroin Interdiction Program that will center in part in the States of New Mexico, Arizona, and Texas. While we plan to augment our staff for this effort, we must call upon the State and local authorities to join with us in this vital task, and welcome their input both in procuring intelligence, informational data, and the detection, tracking, and interdiction of suspect aircraft, vehicles, and persons.

In the Southwest in particular, because of the remoteness and number of square miles involved, a great deal of reliance is based upon the mutual support we can get from State and local agencies. We cooperate and very closely coordinate our activities with State and local law enforcement agencies, and in this respect I would like to take a few moments to mention the outstanding manner and professionalism of these fellow officers.

As an example, New Mexico authorities had a special operation on Highway 40, about which you've heard, which resulted in 61 seizures totaling nearly 1,000 pounds of cocaine en route to California. More importantly, to us anyway, through debriefing of suspects they gave Customs information that led to a seizure of 368 pounds of cocaine in Tallahassee, FL.

Gentlemen, this is but one example, but I hope it expresses that sincerity with which we in the Customs Service applaud the cooperation and coordination of these State and local law enforcement officers. We realize the title on their badges may read New Mexico or Arizona or Texas, but they've certainly proved the title includes Customs as well because of the manner in which they've helped to stem the flow of drugs entering our country. I salute them.

Gentlemen, I again thank you for the opportunity to address this committee, and while my opening comments have been somewhat brief, I hope I have mentioned to you and indicated the threat that we perceive in this area of the country and given you an overview of what we in the Customs Service are attempting to do in halting the flow of drugs into our country.

I, of course, now will be happy to answer your questions.

Senator ABDNOR. Thank you, Commissioner. But first, may we hear from Mr. Milhouse?

Mr. VON RAAB. That's the only statement we have.

Senator ABDNOR. Fine. You were talking about intelligence and how it fits into an antidrug effort, and it's very necessary because we have to have it. Could you tell us a little bit how you rely on your information?

Mr. VON RAAB. Well, we in the Customs Service have recently, that is, within the past year, developed—or actually instituted an intelligence organization. We have committed now over 200 customs officers to an intelligence operation. And we not only develop our own intelligence through our own operations, but we also rely heavily upon the information coming out of EPIC, which comes largely from the DEA, although other organizations contribute to it, and we rely very heavily, of course, upon information that comes from abroad.

And as a matter of fact, recently, I've had discussions with Bud Mullin of DEA and we've discussed actually putting customs analysts into DEA foreign offices so that we can develop and obtain information for interdiction purposes much more quickly than we otherwise would if it were to proceed through various routes.

Mr. Wait is in charge of NNBIS here and he might want to comment on exactly how the intelligence apparatus works, how effective it is and what kinds of intelligence we receive in the Southwest. Jimmy, if you want to mention that.

Mr. WAIT. All of the intelligence that we have been receiving to date has been based on cases that have been made in the area, port of entry cases, seizures that have been made, seizures near the border, aircraft seizures that have come from Mexico. This NNBIS region only deals with Mexico and South America if it passes through Mexico.

We have not had any intelligence coming out of Mexico that would allow us to be ready prior to crossing the border. We are working on developing that type of intelligence now. We're attempting to get a secure room in our building so that we can receive that type of information. We now are relying on Fort Bliss to receive the messages for us. We have one person who is allowed to see them. He determines whether or not they can be declassified or disseminated. And we expect that type of information to increase in the future.

Senator ABDNOR. Is that one individual sufficient to give you the kind of——

Mr. WAIT. No; we have requested that four others be cleared.

Senator ABDNOR. Fine.

Senator DOMENICI. Let me just ask, with reference to Senator DeConcini's question about the military and possible options—I direct this at all of you, Commissioner, principally you as its chief man—could you tell us for purposes of legislation what else the military might be able to do? It might seem to me that here, or if it's more appropriate at some other time, you and your experts might add what you think the military can do that they currently don't have authority to do.

Mr. VON RAAB. Well, it's well-known that there is a very constructive tug-of-war taking place between the Treasury Department and the Defense Department over the degree of involvement of the military in interdiction activity, and we're extremely successful. When you look back and you realize that before December 1981, the military was allowed to do nothing, as you indicated, not only through General Tice but through his boss, Larry Korb, the military is doing tremendous amounts to support us.

It's difficult for me right here in a public forum to suggest specifically what they might do. I do think that it is felt that we could probably improve the situation with respect to the scheduling of a lot of the activities of the military so as to be better coordinated with the availability of Customs interdiction assets, and also, perhaps, to put some of those operations into areas that may be a little more high-risk from an interdiction standpoint.

But I also would say that some of those changes are already taking place. Tim Milhouse has had a lot of experience with the military in the Southwest, particularly in its efforts to support Customs' Interdiction Program here. And I think if he could give you a sense of what it was like 2 years ago in terms of the support we got and the kind of support we're getting now and conceptually some of the support we expect to be getting over the next year or so, you'll get a good sense of how the military has and continues to increase its support of interdiction.

Mr. MILHOUSE. The situation as it exists right now has been extremely good. The military is supporting us 100 percent at the local levels. We currently are staffing the AWACS flights. We have two of our air officers currently assigned to Tinker Air Force Base. The reception that they received up there was extremely good and the cooperation is excellent. The exchange of information and coordination with the Air Force and Customs through those two officers is starting to look very favorable as regards to future results with that system.

Over at March Air Force Base and NORAD, we're currently staffing that facility with Customs personnel. The reception over there has been excellent, and what we're seeing over the last couple of years is a combined effort utilizing this technology that's available to the military. And their cooperation in introducing us to the intricacies of those systems which we can use for detection, low-altitude detection, in the Air Interdiction Program.

So I'm extremely encouraged right now over what it was 2 years ago. And as a result of the changes in the posse comitatus, I think we're becoming more effective and we're extremely encouraged with the cooperation that the military is showing right now.

Senator DOMENICI. Let me just ask any of you. You just told us of the new poppy crop in Mexico and it's yield. It seems to me that we have reached some very sophisticated levels of technology in terms of surveillance, not necessarily applied to aircraft. But LANDSAT tells us what's happening on the surface, under the surface, where changes and shifts are.

What might we do about trying to follow through from this very early information in order to minimize its entrance into the United States?

Mr. VON RAAB. Well, of course, the actual work in Mexico with respect to eradication and the collection of intelligence is the responsibility of the Drug Enforcement Administration. But I don't think that it's a widely kept secret that the Eradication Program is probably not as good as it should be, and it certainly has fallen off—for what reason I don't know—over the past year.

The Customs Service has, through any number of channels, been trying to improve its own working arrangements with Mexican officials. I don't know if this answers your question exactly, but one of the programs for which we've been pushing has been to allow Customs flights once again, which they were able to do some years ago, with the presence of Mexican officers to cross the border so that if a plane were seen coming into the United States, and then we would be able to pursue it back across the Mexican border—of course, not take any enforcement action. That would be up to the Mexicans.

But right now that fence, as people call it, in this part of the country, is sort of a safe harbor for crooks crossing one way or the other. It works the other way too, by the way. when smugglers cross into New Mexico with electronic equipment, they sometimes slip back out and we can't come up with a crime against them.

In terms of actual surveillance information, there are many, many collection devices. In fact, all of the N numbers on airplanes are collected in Mexico, that information is forwarded up. There is a pretty good exchange of enforcement information with Mexican officials, and I would say that on an operating level it's very good. But at higher levels, there is still a fair amount of reluctance on the part of the Mexican Government to a lot of cooperative initiaties that I think would improve enforcement on both sides of the border.

Senator DOMENICI. Yield, Mr. Chairman.

Senator ABDNOR. While we are talking about the border, could you tell us for the record the number of customs officers, personnel, that are authorized for the various ports here, for the ports of entry here in the Southwest, and how much we actually have in the way of personnel? Are we pretty well near the authorized number?

Mr. VON RAAB. I can ask Mr. Najera, who is the district director of the El Paso district. He can tell you what his district limits are and then he can tell you the number of Customs personnel under his responsibility, and then Mr. Milhouse and Mr. Wait can do the same. But for a more comprehensive figure, we'd have to give that to you for the record.

Senator ABDNOR. Would you do that?

Mr. VON RAAB. Right.

Mr. NAJERA. In my district I will have 126 total officers. This includes 26 import specialists. They are not out on the line. They are within the buidings, and it includes all management also.

Mr. VON RAAB. What are the district boundaries? Just so they know what they are.

Mr. NAJERA. I have all of New Mexico, the State of New Mexico, and down to the Big Bend National Park in Texas.

Senator ABDNOR. Is that somewhere near the authorized number?

Mr. NAJERA. Yes, sir.

Senator ABDNOR. That's right on target?

Mr. NAJERA. Yes, sir.

Mr. VON RAAB. Mr. Chairman, just to let you know that we in the Customs Service, having gone through a rather frigid period of freeze, have recently ordered the Customs Service, now that we see a budget coming down on October 1—at least we hope it will happen—but all the numbers are such that we are preparing for that, and have informed all of our regions to staff up to the numbers that are being—we expect to receive on October 1, which is why Mr. Najera said he will soon have it. Only in the past month has the freeze been lifted with respect to his activities.

I can ask Mr. Wait to give you an idea of the number of men and women under him.

Mr. WAIT. I have the same area of responsibility as Mr. Najera, all of the area west of the Pecos and all of New Mexico. In the patrol we have four stations, one in Big Bend National Park, one in Presidio, one in El Paso and one in Deming, NM. We are allocated 4 men in Big Bend, 8 in Presidio, 4 in Deming, and 24 in El Paso. These figures include supervision.

And under the Office of Investigations we have an office in El Paso and an office in—we are just opening an office in Deming, NM. I expect to have the space by October 1. We have one man up there already——

Mr. VON RAAB. Albuquerque.

Mr. WAIT. Pardon me, In Albuquerque. Thank you. And another one will be hired today.

Mr. MILHOUSE. We have currently two offices here in New Mexico and El Paso.

Mr. VON RAAB. This is the air unit.

Mr. MILHOUSE. Air unit. Albuquerque is staffed with five air officers, including supervisors. Their primary responsibility is to man the FAA radar facility, air route traffic control center, at Albuquerque and to provide the local liaison with other law enforcement agencies with intelligence and so forth. In El Paso we have currently 12 air officers and pilots there, which includes supervision. It's our current plan to increase the strength of that office by six people and also to increase the staff up at Albuquerque and to place two additional aircraft up there, which we'll probably do over the next couple-month period.

We currently have nine operational aircraft assigned to El Paso. We are going to move some of the equipment to Albuquerque, which we think will give us a better distribution of our assets. We only have one sensor aircraft which is assigned to the State at the present time, but as additional resources begin to become available to us over the next couple of months, we'll have better flexibility in being able to move that equipment around readily in order to intensify operations both in Albuquerque as well as along the border.

Mr. von Raab. Just as Senator Domenici has often and very effectively expressed his concerns to the Customs Service over the level of commitment that we have, I think it's important if you can abstract from these detailed numbers that have been given to you that what is really happening in New Mexico, largely as a result of Senator Domenici's efforts, is that, one, we are going to open an office in Albuquerque, where we will have two agents. That is something we did not have before, and one of those agents will be committed to the well-known organized crime task force.

Second, we will be making available to the air effort in New Mexico more sensor aircraft. And those are to important issues. The second is coming about for two reasons. One is Customs Service is acquiring four sensor aircraft and, therefore, we are having more assets that we can commit to this area. Second, by centralizing the air unit, we are able to move aircraft back and forth, so previously where you might legitimately have been concerned with aircraft in El Paso not being deployed in Albuquerque because of the parochial attitudes, if you will, perhaps, of a manager with respect to those aircraft, that will not happen anymore.

And so the fact that an aircraft is based in El Paso, given the centralized approach that we're taking, means that in many cases it will be operating at various times out of Albuquerque. So I would expect that you would see not only your investigative needs improved by the office in Albuquerque, but second, you should see a lot more sensor aircraft flying in and out of Albuquerque, both of which we're very happy to announce today.

Senator Domenici. That's great.

Senator Abdnor. That's a very, very encouraging report, and it certainly makes me think we're making some real progress. Along that line, Commissioner, your agency is going to be the recipient of a substantial number of new assets in the fiscal years 1984, 1985, and 1986. I think you're going to be receiving at least three more P-3's with the F-15 radar next year and you're going to be getting up to eight new high-speed interceptor/tractor aircraft, and that's according to the DeConcini $25 million amendment that went into that supplemental, and hopefully six C-12 and F-15 radars for your request of interceptor/tractors will succeed in fiscal 1985.

So I understand that you might also be receiving another two Blackhawk helicopters, at least we hope you will. Could you tell us where these new assets would be deployed around the country?

Mr. von Raab. Yes; and I would also add that there are four Cessna Citations that are coming aboard, the first of which we expect to receive in the middle of October. So you're right, we have an abundance of air assets.

Senator Abdnor. I'm sure both Senator Domenici and Senator DeConcini would like to know how many of those might find their way down here.

Mr. von Raab. I would like Mr. Milhouse, because he is responsible for this area, to tell you what new aircraft he expects to receive from the collection of P–3's, Cessna Citations, C–12's, and we call the high-performance aircraft, coming out of the $25 million new year funds, some of which you have to realize probably have not been allocated. Because although we know that we're likely to have the C–12's, we try to use our time to allocate those assets that we have in hand rather than those that are expected.

So if Mr. Milhouse would comment on that.

Mr. Milhouse. Anticipating the arrival of these additional aircraft, it appears at this time that we'll probably receive two of the four Cessna Citations. One will be placed in San Antonio, TX, one in Tucson, which will relieve the one Citation that has been originally assigned there to be able to deploy that to other areas such as New Mexico and to El Paso, TX, since it is a relatively good sensor equipped airplane.

The P–3 Program, at the present time it appears that we will have two assigned to the western division and they will be, because of logistic support and maintennace, will probably be based at the Davis Monthan Air Force Base in Tucson, but will be readily deployable along the border to any of the hot spots that we might want to douse. This will give us a considerable amount of flexibility for low-altitude detection.

The C–12 aircraft, we will probably place one of those at at least one of the air support branches in the western division. There is a game plan to equip those aircraft with forward-looking infrared systems. So totally across the border——

Mr. von Raab. What about the high performance?

Mr. Milhouse. The jet aircraft, the Customs high-performance turboprop aircraft, of which the western division will probably receive four of those aircraft, will also be deployed at each one of the air support branches. So I'm extremely pleased that over the next 12 to 18 months we are going to receive assets out here in the Southwest

Senator Domenici. With reference to the Albuquerque office that you are going to add two agents to, when you add that and the other improvements and the air capability, could you quantify in a way that I might understand how much of an addition that will be to what we now have for the region of New Mexico? Are we doubling it, 30 percent?

Mr. Wait. We have no agents at all in New Mexico at the present time.

Senator DOMENICI. I understand. But obviously, you're not without effort. Somebody is doing something. But you're actually, in terms of physical human beings, going from zero to two?

Mr. WAIT. In investigations, yes. We do have four people here that are in patrol.

Senator DOMENICI. Aircraft, how would you say, 18 months is your number. What do you think the Southwest will be in terms of improved surveillance capacity on airplanes?

Mr. MILHOUSE. I think as far as Albuquerque is concerned, we currently have five on board up there. The immediate future, I'm talking about within the next 2 months, probably an additional two people there, bringing them up to a total of seven, and two additional aircraft. They've had one intermittently. We're going to place two more up there, which will give them a total of three.

As the sensor-equipped aircraft start to come in, the jet, the Cessna Citation, those high-performance vehicles, we'll start to move those aircraft in behind these. But that's a good 6 to 12 months away before we are going to see those kind of assets.

Mr. VON RAAB. Just to use sort of ballpark figures, I would say that as far as surveillance is concerned, particularly in the New Mexico area, but the whole Southwest, we're going from almost a nonmeasurable amount to a good, strong surveillance effort. As far as interdiction is concerned, which is everything that happens after you detect, so to speak, in an order of magnitude, we're going five or six times what we had before, based upon the strength and the resources as well as the numbers.

Senator DOMENICI. Mr. Chairman, I have no further questions. I do want to once again thank the Commissioner for coming and all those who are with him, for their excellent cooperation in terms of New Mexico problems in the past, including the airport situation here in Las Cruces. I think we need some further clarification of it. But this isn't the purpose of this meeting.

I also think we could have had a whole day of talk about the merger. We didn't call it for that purpose, but obviously I'm on record back there as not favoring the merger as proposed by the White House on Customs and INS. I won't ask the Commissioner to comment. But basically I think that we're all genuinely concerned that in that proposal everyone would suffer and no one would gain.

There might be some ways to adjust it. As I understand it, the distinguished Senator from Arizona has proposed some compromises. But I think we're genuinely worried about the fact that each has a very difficult job right now and may be very overloaded. We're concerned that a merger will leave it without the capacity to do very much of what it has to do very well.

But from time to time we have to redirect assets and form some new management organizations. We stand ready, most of us in the Senate, I think, to look at it. But we are genuinely concerned and we want to just share that with you in public. I think I've told the Commissioner that in the office before and I think he knows.

But I'm really genuinely grateful that you have pushed as hard as you have to this point in terms of this effort, which is only part of the drug effort, of your jobs, all of you. I think we're making some real strides. And in particular for the Southwest, New Mexico and Arizona, I think your particular part of this drug problem, I think we're going to see some real improvement and we're most grateful for your help and we will continue to push on our end.

As I said a while ago, I think this is a real war, as Senator DeConcini has been saying, and we need new money and new assets and new equipment. If you will recommend it, we'll get it in. It isn't going to cause the deficits. That's not what's causing them. Obviously we need to engage the right resources and the right tools, not only you, but DEA and all the rest too.

Mr. Chairman, thanks again for coming to New Mexico, for all the witnesses. I think it's been a good 3½ hours and I personally am most appreciative.

Senator ABDNOR. Thank you, Senator Domenici. You have summed up fine, and I'd like to associate myself with your remarks. And I appreciate the Customs people coming down here along with other witnesses. This has been an excellent hearing and I certainly appreciate your asking us down here. I think this will make a great contribution to our subcommittee when we make our plans for the coming year.

I just want to thank all the witnesses for their excellent testimony, and possibly we'll be doing the same thing in another year or two to see what progress we have made, because we're all vitally interested and we know this is probably one of the greatest domestic problems we have in this country, $100 billion in illegal business. The dollars are bad enough, but what it does to our country is even worse.

Senator DOMENICI. Before you close, Mr. Chairman, might I ask: The Commissioner has indicated that he's taken a look at the budget and the appropriation levels and begun to send word out to get the freeze off and start looking for the employees that it would accommodate. We're talking what, about 500 or 600 new slots? Is that what would be allowed under the appropriated amounts that we contemplate?

Mr. VON RAAB. I always have a problem with my reference point because we have so many different budgets floating around. As a practical matter, we will have something in the order of 300 or 400 or 500, let's say 500, new people working for the Customs Service; in other words, that weren't there 2 months before. Whether that's under or over the President's budget or the Senate budget, it gets very confusing. But there will be hirings equal to that amount.

Senator DOMENICI. Where is that appropriation bill? Is that in Congress? We passed it. Did the House pass it?

Senator ABDNOR. Yes; and we've reached an agreement in conference. You know the House left the figures out because there has not been an authorization, but they have accepted our figures. And actually, the authorization is 100 positions, isn't it?

Mr. von Raab. There are 100 new positions over last year's numbers.

Senator Domenici. OK.

Mr. von Raab. But we had actually gone below that because we had been reduced in the middle of the year and, therefore, had to cut well below our authorization.

Senator Abdnor. Fine. But we hope that part of the conference report will be readily accepted. We're really concerned, I'll tell you right now, about the Forfeiture Act, that section of the crime package that we inserted from the Senate side.

Senator Domenici. Because they don't want it.

Senator Abdnor. They accepted it finally, but there are several people over there who have fought the crime package from the beginning who could very well on point of order get it tossed out.

Mr. von Raab. That's a very, very important piece.

Senator Abdnor. We'd like to keep it.

Mr. von Raab. Because our forfeiture laws are really almost 200 years old in many respects and they cost us a lot of money and a lot of frustration that otherwise should be put into the Drug Program, not wrestling with old cars and old ships.

Senator Abdnor. I'll just say it bothers me, and for the record, I know they can legitimately throw it out on a point of order. But I can't believe anyone who is really concerned about the drug fight we're trying to carry on in this country, who is a Member of that Congress, would do it.

Senator Domenici. You mean on the House side when the report from conference comes back?

Senator Abdnor. Right.

Senator Domenici. I see.

CONCLUSION OF HEARING

Senator Abdnor. We thank everyone. This has been an excellent hearing. I thank the people who have attended and listened. I know that you too are concerned as we are. With that, this subcommittee stands in recess.

[Whereupon, at 12:27 p.m., Wednesday, September 5, the hearing was concluded, and the subcommittee was recessed subject to the call of the Chair.]

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